



# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 69

DATE: Thursday, February 9th, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



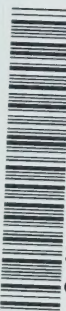
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(C.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

-----  
Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St., Thunder  
Bay, Ontario, on Thursday, February 9th,  
1989, commencing at 8:30 a.m.

-----  
VOLUME 69

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH )	RESOURCES
MS. K. MURPHY )	
MS. Y. HERSCHER )	
MR. B. CAMPBELL )	MINISTRY OF ENVIRONMENT
MS. J. SEABORN )	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD )	





APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK )	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT ) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH )	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON





(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>WILLIAM JOHN STRAIGHT,</u> <u>R. DAVID SCOTT,</u> <u>PETER J. McNAMEE, Resumed</u>	11718
Continued Cross-Examination by Mr. Armstrong	11718





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
403	Photocopy of overhead used at Dr. McNamee's workshop.	11775
404	Photocopy of overhead prepared by Dr. McNamee.	11779
405	Paper presented by Dr. Baskerville to the Standing Committee on the Environment and Forestry at the House of Commons.	11825





1 ----Upon commencing at 8:35 a.m.

2 THE CHAIRMAN: Good morning, everyone.

3 Please be seated.

4 Mr. Armstrong, did you have an  
5 opportunity to consider and be able to give us an  
6 estimation of how long you might be?

7 MR. ARMSTRONG: Yes, sir. I think the  
8 sensible consideration is a day and a half. Having  
9 said that, and as I understand what we have available  
10 today - being a long half day as opposed to a regular  
11 half day - whether or not it proves to be finally  
12 reasonable, I am going to bend every effort to see if I  
13 can be completed in a day, but I have considerable  
14 misgivings about that.

15 THE CHAIRMAN: Well, we shall try and  
16 assist you where ever we can, and we are willing to sit  
17 to a reasonable hour today.

18 MR. ARMSTRONG: Thank you. I have,  
19 during the course of last night, refined quite a bit of  
20 questioning. I left off, as you will recall, with  
21 asking the question about three planning systems and  
22 got the reaction from Mr. Straight and others  
23 generally.

24 As Garfield might say, to ask that  
25 question again the person ought to be dragged out in

1 the street and shot at this stage in the proceeding,  
2 and I agree with him. So that has led to the  
3 refinements of what occurred last night.

4 I can tell you what I want to go into,  
5 what I think is new material as far as our questioning,  
6 and that is some work by Dr. Baskerville. Now, I know  
7 that authority is to be present and to be dealt with in  
8 another panel.

9 THE CHAIRMAN: Let's just satisfy our  
10 curiosity as to that matter. Once again, Mr. Freidin,  
11 can you give us any indication when Dr. Baskerville  
12 might be here?

13 MR. FREIDIN: No, I cannot.

14 THE CHAIRMAN: Well, let's be a little  
15 more specific.

16 MR. FREIDIN: Late in the proceedings as  
17 opposed to earlier. After Panel 15 some time.

18 THE CHAIRMAN: Has he been invited to  
19 appear?

20 MR. FREIDIN: The wishes of the Board  
21 have been made known to him. He indicated he is  
22 willing to attend.

23 THE CHAIRMAN: Okay. Do you know whether  
24 or not he has followed the proceedings?

25 What I am asking is: When he attends, is

1 he going to be dealing, do you think, just with his own  
2 report on the information as it was when he formulated  
3 his report, or has he had an opportunity to more or  
4 less update himself?

5 MR. FREIDIN: He will have some  
6 appreciation of what's happened but probably not a  
7 detailed appreciation. I may have indicated, or used  
8 the word in the past when this matter first came up  
9 that we were going to call him as part of our case or I  
10 was going to call him as our witness.

11 THE CHAIRMAN: No.

12 MR. FREIDIN: I just want to be clear  
13 that that's not the case. We have communicated that it  
14 is sort of on the Board's behalf, the desire that he be  
15 here, but he will be here during our case and I can  
16 convey to him the concerns and other comments that you  
17 are making.

18 THE CHAIRMAN: We are not suggesting in  
19 any way that he be your witness. We feel that because  
20 of the part he already has played in the proceedings  
21 that it will helpful to have the Doctor himself.

22 MR. FREIDIN: He is willing to come and  
23 speak to that.

24 THE CHAIRMAN: Okay.

25 MR. ARMSTRONG: I want to avoid an area



1       which did hang us up a little bit yesterday and; that  
2       is, the area of concern, because this individual is  
3       involved in another panel and there is a problem asking  
4       about that now. And the point I want to make clear now  
5       is that on that panel I won't have these representative  
6       individuals and I want to know certain things about  
7       what they feel about that work, their opinions.

8                       And I am not going to go through the  
9       Baskerville work and ask them to interpret it or tell  
10      us all about it, we will get a chance obviously later.  
11      It is important, from my point of view, to know what  
12      these individuals happen to think about it.

13                    THE CHAIRMAN: Very well.

14                    MR. ARMSTRONG: Having said that, as to  
15      what I essentially intend to get into - the meat of the  
16      matter today - there are half a dozen questions that I  
17      want to put to Mr. Scott which is, to some extent,  
18      treading old ground but it leads into how I want to  
19      approach Baskerville - and they seem somewhat familiar  
20      with that - because I want to set up a context just as  
21      my friend set up a context in putting a case in-chief.

22                               WILLIAM JOHN STRAIGHT,  
23                               R. DAVID SCOTT,  
                              PETER J. McNAMEE, Resumed

24      CONTINUED CROSS-EXAMINATION BY MR. ARMSTRONG:

25                    Q. Now, Mr. Scott, we are back to one of

1 the types of timber management planning, and that is  
2 timber management planning forest management  
3 agreements, that's the area I want to deal with and I  
4 think we have covered that. But I want to understand  
5 that this is occurring as a private undertaking that  
6 must first be approved by your Ministry before they are  
7 approved under the proposed Class EA?

8 MR. FREIDIN: I think that's a legal  
9 question and, in fact, the forest management agreement  
10 holders cannot carry on unless there is an approval  
11 proposed by the Ministry of Natural Resources.

12 And to the extent that this environmental  
13 assessment imposed terms and conditions on the Ministry  
14 of Natural Resources in carrying out timber management,  
15 those terms and conditions are going to have to be  
16 complied with by the Ministry of Natural Resources in  
17 order to take whatever steps are necessary to make sure  
18 they are complied with.

19 If that means addressing certain  
20 relationships with individual licensees, then so be it.

21 MR. ARMSTRONG: Q. Mr. Scott, do you  
22 adopt Mr. Freidin's answer on that?

23 MR. SCOTT: A. Yes. First, before I  
24 start, the microphones are not switched on.

25 MR. STRAIGHT: I don't think they are

1       either.

2       ---Discussion off the record.

3                   MR. ARMSTRONG:  Q.  Mr. Scott, my last  
4       supplementary question is:  Do you adopt the answer to  
5       the question as put forward by Mr. Freidin?

6                   MR. SCOTT:  A.  Yes, I would.

7                   Q.  All right.  Now, it is somewhat old  
8       ground, we have already talked about the high level of  
9       professional training and qualifications of MNR staff  
10      as used in this process.

11                   And you will agree with me that it  
12      follows that it must equally be important as to a high  
13      level of training and qualifications of the private  
14      staff in this process?

15                   A.  I believe that that's essentially  
16      what I had said.

17                   Q.  All right.  Now, I realize we are  
18      covering old ground, I want to do it quickly because --  
19      and we all know that Document No. 1 is putting forward  
20      as a thrust, a blend of professional judgment and  
21      Ministry direction?

22                   A.  I think Document 1 specifies the  
23      tools of decision-making, that's the title.

24                   If I can just take a moment to get it  
25      back out again.  I am sorry, Document 1, I was



1 confusing that with Figure 1. Document 1 is Resource  
2 Management Decision-Making: Blending Professional  
3 Judgment and Ministry Direction, yes.

4 Q. That's right. But as far as what we  
5 see in the proposed EA or indeed in the evidence to  
6 date, I suggest to you that we have no mention of the  
7 great degree of reliance on forest companies and their  
8 staff?

9 A. I would have to review all of the  
10 evidence to date. I am not sure if that's the case or  
11 not.

12 Q. Well, rather than getting in a  
13 wholesale review, your Figure No. 1 at page 85 that we  
14 have often relied on, and you provided to me yesterday  
15 in a colour mode -- what I was just asking you about,  
16 this great reliance on forest companies and their staff  
17 isn't set out there as one of the decision-making  
18 tools?

19 A. I would interpret that it could be  
20 local knowledge, experience of trained staff. We still  
21 rely on those implementation manuals. There are  
22 outside experts that we can rely on.

23 Q. All right. Now, that's what I wanted  
24 to know because I think that is a new interpretation of  
25 experienced and trained staff on this guideline.

1                   To date, I would have thought that we  
2                   were talking about under that heading: MNR staff. Are  
3                   you broadening that now?

4                   A. I would say primarily MNR staff.

5                   Q. But you now want us to consider that  
6                   as something broader?

7                   A. I just have to rely on, again, the  
8                   evidence we are giving, and that simply those are the  
9                   tools of decision-making. And other than that, you  
10                  know, we strain into an area where -- that's just our  
11                  evidence and that's what I am here to bring forward.

12                  Q. Okay. Now, Mr. Scott, another area I  
13                  just want to touch on again and be rid of, I think

14                  In going through the timber management  
15                  process, I am trying to see the two fundamental  
16                  strategies to resource management embodied in the  
17                  proposal and the design of timber operations -- the  
18                  timber operations part of it is what I will describe as  
19                  highly proactive. Would you agree with that?

20                  A. How do you mean?

21                  Q. Well, proactive as opposed to  
22                  reactive and by that I mean the initiative is taken in  
23                  that regard as opposed to reacting to other things;  
24                  that is where the initiative lies?

25                  A. I'm sorry, I'm really trying to

1 understand your question. I don't quite understand it.  
2 Maybe you can phrase it differently.

3 Q. All right. Just give me a second.

4 Okay. Well, the management of the forest is conducted  
5 through a series of forward-looking analyses leading to  
6 specific area prescriptions; would you agree with that?

7 A. Again, this is not my area of  
8 expertise but in the planning process my understanding  
9 is we do do a past plan analysis. It is not entirely  
10 forward-looking in a that regard.

11 Q. But it is a past plan analysis of  
12 timber production?

13 A. Without going and rereading the  
14 details of past plan analysis, I am not really sure.

15 Q. Okay. The decision in these  
16 individual areas of timber management are guided, I  
17 think you have indicated before, by broad provincial  
18 policy that is progressively narrowed down to specific  
19 areas and by provincial guidelines that prescribe  
20 specific techniques; is that generally right?

21 A. And uses scientific literature,  
22 outside experts, the public consultation process, our  
23 trained staff, all those tools that we had mentioned.

24 Q. All right. Well, I understand that  
25 you have induced a concept under the heading: The New



1 Forest?

2 A. I did not.

3 Q. Oh, but this Board has heard of it?

4 A. Just let me try and recall the  
5 evidence that I have covered that has been introduced  
6 before.

7 Q. Mr. Armson - does that help you - is  
8 the person who introduced the concept.

9 A. If I had read his witness statement  
10 it would help me, but I am just trying to recall from  
11 the reading that I have done over the past year and a  
12 half in preparation for this and I don't recall if we  
13 introduced that concept to this Board or not.

14 Q. Well, what I want to stress: When we  
15 use a term like the new forest, that is a  
16 forward-looking set of words; when we talk about  
17 something new, we look forward to something new?

18 A. I am just not sure -- if the new  
19 forest was presented exactly what the definition of  
20 that new forest was. I certainly would say a  
21 regenerated forest to me is a new forest, as a forester  
22 but I am not sure in what context we have introduced it  
23 in this hearing.

24 Q. Well, you might agree with me that  
25 the forester becomes a planner and craft person, if you

1 will, uses ingenuity creativity and analytical tools  
2 and accrued experience to craft the new forest?

3 A. I believe that the forester is part  
4 of a planning team that helps in the production of a  
5 timber management plan.

6 Q. And to the end of meeting a  
7 well-defined set of management objectives.

8 A. I think that's one of the purposes of  
9 the plan, is to have a will-designed set of objectives,  
10 yes.

11 Q. All right. Now, if I look at the  
12 other resource benefits that is a part of the  
13 integrated resource management and forest production  
14 policies, are supposedly an integral part of the  
15 undertaking, the situation appears quite different;  
16 would you agree with that?

17 Well, all right. The other parts, the  
18 non-timber values - and I have touched on this before,  
19 I don't mean to say I haven't - are constraints?

20 A. Are constraints to...?

21 Q. The timber planning aspect, the  
22 timber production.

23 A. I would have to rely on Mr. Straight  
24 to help me out with this answer because I don't  
25 necessarily consider them constraints, as I believe I

1 have led before. And, Mr. Straight, maybe you can  
2 help.

3 Q. What I wanted to know was your  
4 thought on that. If you say they are not constraints,  
5 I am content with that.

6 MR. STRAIGHT: A. I believe we  
7 considered constraint yesterday, was that not  
8 considered within the demand-driven function.

9 And that was evidence that's on the  
10 record, Mr. Chairman, I believe.

11 THE CHAIRMAN: What do you mean  
12 constraints? If you mean that you can't go out and cut  
13 everything you want to cut without perhaps interfering  
14 with some other value.

15 MR. ARMSTRONG: That's right.

16 THE CHAIRMAN: That may be termed in your  
17 terminology as a constraint. Is that what you mean?

18 MR. ARMSTRONG: That's right.

19 THE CHAIRMAN: Well, isn't that sort of  
20 to be expected in the sense that there are other values  
21 out there and it is unlikely if you do something in a  
22 major way with one of the values that you are going to  
23 affect some other value in some way, I mean, isn't that  
24 sort of a logical extension, you are not operating in a  
25 vacuum out there.

1 MR. ARMSTRONG: That's true.

2 MR. STRAIGHT: Mr. Chairman, I believe we  
3 discussed constraint relative to whether or not there  
4 was actually a demand for the wood, in the sense that  
5 if there was a demand for it and the wood had to be  
6 left to meet some other objective, it should be  
7 interpreted as a constraint.

8 But indeed if it wasn't required to meet  
9 that objective, then it probably wouldn't be a  
10 constraint in the same way.

11 MR. ARMSTRONG: Q. And why I am  
12 interested in all of this is to get at - now, this may  
13 sound silly - but almost the way the forester feels  
14 about it and feels about what he is doing, an attitude  
15 aspect.

16 And what I suggest -- we talked about  
17 these areas of creativity and experience and how the  
18 forester is applying these gifts that he or she has,  
19 and if we see it in terms of constraints, those gifts  
20 are put into seeing the non-timber resource aspect in a  
21 negative way?

22 MR. SCOTT: A. I don't believe that's  
23 the case, in my own personal feeling. Within that, you  
24 know, I mean your definition of what a gift is, I  
25 mean, that's a very philosophical type question and I am



1 not really entirely sure exactly what you mean.

2 Q. Would you say that philosophical  
3 questions are completely irrelevant to what we are  
4 trying to accomplish?

5 A. I would say that philosophical  
6 questions require a great deal of definition.

7 Q. But they are not irrelevant?

8 A. Again, that still depends on who you  
9 are asking. And I mean, you know, in my limited  
10 experience on timber management planning relative to  
11 this exercise, I believe my philosophical viewpoint  
12 cannot necessarily help enlighten the situation and  
13 give good advice.

14 I think I have been fairly clear on that,  
15 that in that area of timber management planning, I have  
16 limited experience and I may have a certain  
17 philosophical viewpoint, but whether it can add  
18 information for better understanding, I feel that I am  
19 quite limited.

20 Q. All right. Last question that leads  
21 us directly into the Baskerville material, and I  
22 appreciate that question may come from a bent that I am  
23 taking, but I suggest to you by adopting a constraint  
24 approach - if that's what's done - to deal with  
25 non-timber resources it precludes proactive

1 considerations and provides an incentive to minimize  
2 their effect, I mean minimize the effect of the  
3 constraint?

4 A. Do you want to read that again,  
5 please, so I can jot down a couple of key words here.

6 Q. You know, by adopting a constraint  
7 approach to deal with non-timber resource values, not  
8 only does it preclude proactive considerations but it  
9 provides an incentive to minimize their effect?

10 A. And the question...?

11 Q. Well, if you are a manager and you  
12 have got something that is a constraint, you want to  
13 minimize it?

14 A. I really can't offer any comments on  
15 that, that's a -- first of all, I think I tried to  
16 suggest that I don't view them as constraints. So on  
17 your premise, I can't agree with you fundamentally and,  
18 again, I am stretching the limits of my experience and  
19 don't feel that I am qualified to answer.

20 Q. Very good. Have you read the paper  
21 by Dr. Baskerville entitled: Integrating Management  
22 for Habitat in Timber?

23 A. I believe that's part of Dr.  
24 McNamee's submission and I believe I glanced through it  
25 about three years ago or so. I can't even remember it

1 and I am not familiar with it.

2 Q. Dr. McNamee puts one paper by Dr.  
3 Baskerville, Adaptive Management Wood Availability and  
4 Habitat Availability. It is a different paper, Mr.  
5 Scott.

6 THE CHAIRMAN: Is this the Baskerville  
7 report, Exhibit 16?

8 MR. ARMSTRONG: Audit Report?

9 THE CHAIRMAN: Yes.

10 MR. ARMSTRONG: No, sir.

11 THE CHAIRMAN: Okay.

12 MR. ARMSTRONG: I will be putting this  
13 as an exhibit.

14 Q. I just want to see if I can refresh  
15 the witness' memory as to his reading by showing it to  
16 him.

17 MR. SCOTT: A. I cannot recall reading  
18 this. I believe I read the one that's in our document  
19 and, again, I am not familiar with either.

20 MR. ARMSTRONG: As I indicated, Mr.  
21 Chairman, I would like to introduce --

22 THE CHAIRMAN: Well, hold on.

23 MR. FREIDIN: The document has not been  
24 identified, Mr. Armstrong.

25 THE CHAIRMAN: This witness has indicated

1 he has not read that document, so you might not find  
2 questioning him on it very productive.

3 MR. ARMSTRONG: Well, what I wanted to do  
4 is get Mr. Scott's view of the first paragraph.

5 Now, if he wants to simply provide that  
6 to me by me reading it in without having its full  
7 context, that's fine with me. But if he wants to have  
8 that full context, then I would submit that it ought to  
9 be an exhibit so it is there.

10 THE CHAIRMAN: But is he not going to  
11 want to require an opportunity to read the whole  
12 document?

13 MR. ARMSTRONG: I am not going to  
14 question him on the whole document, just the opening  
15 paragraph.

16 THE CHAIRMAN: Well, it is up to you, Mr.  
17 Scott, if you are prepared to answer a question on the  
18 first paragraph without having read the document.

19 MR. SCOTT: I would think that I would be  
20 unwise to do so, it is not my field of expertise and I  
21 would at least, as a minimum, want to read the whole  
22 document.

23 MR. ARMSTRONG: I should correct myself,  
24 it is the first page, but it is the forth paragraph, I  
25 believe.



1 THE CHAIRMAN: Has anybody else on the  
2 panel read the document?

3 DR. McNAMEE: I believe I have, but I am  
4 not sure. I may have.

5 MR. STRAIGHT: I haven't.

6 THE CHAIRMAN: But you can't answer it  
7 from the perspective of a forester obviously?

8 DR. McNAMEE: No, I am not able to.

9 MR. ARMSTRONG: If I can take back that  
10 document.

11 MR. SCOTT: I passed that to the table  
12 here.

13 MR. ARMSTRONG: Q. I want to ask you  
14 whether you agree or disagree with the following, sir:

15 "It is not possible to manage a natural  
16 system just by applying constraints; it  
17 is essential to have a goal and a set of  
18 actions, designs to cause the systems to  
19 converge on the goal over time.

20 In fact, the psychological impact of  
21 constraint is counterproductive to  
22 management. For example, speed limits  
23 constrain all of us in driving a car, if  
24 you are caught exceeding the speed limit  
25 you may be penalized by a fine and an

1 assessment of points against your  
2 driver's licence. On the other hand, if  
3 you drive 80 kilometres per hour in an  
4 100 kilometre zone you are not rewarded.  
5 Whenever constraints limit a human  
6 activity the reaction is to minimize  
7 the cost of just meeting the constraint."

8 MR. SCOTT: A. I am not prepared to  
9 agree or disagree.

10 Q. Okay. Have you read the Baskerville  
11 Audit Report?

12 A. I read the Baskerville Audit Report  
13 over two years ago, I know. I believe it was very  
14 shortly after it came out.

15 Q. And that's Exhibit No. 16 already in  
16 these proceedings. As a professional forester, do you  
17 agree with the general thrust of that report?

18 A. Could I reread -- I would have to  
19 reread the report. I just wasn't prepared to answer  
20 questions on that report and I would have to  
21 refamiliarize myself with the content of it.

22 Q. Well, this was a report to your  
23 Minister; wasn't it?

24 A. Yes, I believe so.

25 Q. It goes to the very heart of forest

1 management in this province?

2 A. I believe it was a critical report  
3 and certainly an important look at the Ministry of  
4 Natural Resources.

5 Q. And you knew you were going to  
6 testify at these hearings?

7 A. I am rereading on page 78 which  
8 states:

9 "David Scott will attend the hearing to  
10 give evidence with respect to paragraph  
11 7, 8 and 9."

12 And I specified that's how I prepared myself for this  
13 cross-examination.

14 Q. But you are a forester?

15 A. I have testified so.

16 Q. And this was a critical document to  
17 forest management?

18 A. And I have read it.

19 Q. All right. Then do you agree with  
20 the general thrust of that report?

21 A. And I would have to reread it again  
22 before I am prepared to answer because it has been over  
23 two years since I have read it.

24 Q. Are you simply ducking the question?

25 THE CHAIRMAN: Well, no, hold on a

1 second, Mr. Armstrong. I think it is fair to ask him  
2 as a forester whether or not he agrees with the thrust  
3 of the report. He hasn't said he does or he doesn't.  
4 What he said is, is he read it two years ago and he  
5 wants an opportunity to refresh his memory.

6 I don't know whether that's ducking the  
7 question or not. It is just that he is not prepared at  
8 this point in time to give you the answer that you seek  
9 one way or the other.

10 Now, would you have an opportunity at a  
11 break to refresh your memory with the report? It is  
12 not the first time you have read it?

13 MR. SCOTT: No, I could go over it again.

14 As I recall the report, when I read it,  
15 it had some very difficult language subject to a lot of  
16 interpretation. It was, as I alluded to earlier, a  
17 philosophically written style and it becomes difficult  
18 to interpret the whole report as I recall.

19 And to give a blanket statement of  
20 whether I generally agree with the thrust or not over  
21 something so diverse in nature, is a difficult question  
22 for me to answer.

23 So to say just leafing through it over  
24 the break, I am not even sure that would be adequate.

25 THE CHAIRMAN: Okay, Mr. Armstrong, can



1       you put more specific questions to the witness based on  
2       the report; ask him a specific question on a specific  
3       conclusion, for instance, drawn from the report and ask  
4       whether he agrees or disagrees with that?

5                   MR. FREIDIN: Or if he can, not having  
6       read it for two years.

7                   MR. ARMSTRONG: I can try that, but just  
8       one other area I wanted to touch on leading up to that.

9                   Q. Do you recall the report in its full  
10       context deals with integrated resource management?

11                  MR. SCOTT: A. I can't remember  
12       specifically.

13                  Q. Fine. All right. Let's try the  
14       Chairman's suggested approach. Would you agree that  
15       optimization tools can greatly facilitate the thinking  
16       process associated with decision-making, particularly  
17       in terms of exploring the full array of management  
18       possibilities and in reducing the display of this array  
19       to a feasible range from which managers can choose one  
20       for implementation?

21                  THE CHAIRMAN: Well, Mr. Armstrong, I  
22       know I suggested the approach, but that is a rather  
23       lengthy technical question and if you approach it on  
24       that basis, it will have to be done in small chunks so  
25       that the witness and the Board can appreciate the full

1 thrust of the question.

2 MR. ARMSTRONG: Q. Well, would you agree  
3 that optimization tools can greatly facilitate the  
4 thinking process associated with decision-making?

5 MR. SCOTT: A. I am not ultimately  
6 familiar with the use of optimization tools, so I don't  
7 really feel that I am qualified to comment.

8 However saying that, I believe in this  
9 panel we have Dr. McNamee here who would probably be  
10 more qualified to make those comments.

11 Q. All right. And I am sticking right  
12 with the Exhibit 16, page 72. Just give me a second --  
13 oh, yes.

14 MR. FREIDIN: Would you give it to the  
15 witness, Mr. Armstrong.

16 MR. SCOTT: Yes, please.

17 MR. ARMSTRONG: Well, Exhibit 16, I would  
18 presume, is available to the witnesses.

19 MR. SCOTT: I have it now.

20 MR. ARMSTRONG: Q. All right. Down at  
21 the bottom.

22 MR. FREIDIN: Mr. Chairman, I don't have  
23 my copy. I didn't realize it was cross-examination  
24 on Exhibit 16.

25 THE CHAIRMAN: No, unfortunately the

1 Board doesn't have its either.

2 I think it would be more productive, Mr.  
3 Armstrong, if the Board adjourned for 20 minutes, gave  
4 this witness an opportunity to quickly review the  
5 report. The Board in the meantime will get its own  
6 copy of the report and other counsel, if they require  
7 it, can do likewise, and then we can come back and you  
8 can ask some questions on this report.

9 MR. ARMSTRONG: Very good.

10 THE CHAIRMAN: Because I think otherwise  
11 we are going to spend the time as you ask the question  
12 for the witness to read around it to get the context.

13 And we don't have our copy, in any event,  
14 so I think it would be better if we took an  
15 adjournment.

16 20 minutes.

17 ---Recess taken at 9:10 a.m.

18 ---Upon resuming at 9:30 a.m.

19 THE CHAIRMAN: Thank you. Be seated,  
20 please.

21 MR. ARMSTRONG: Mr. Chairman, I apologize  
22 for not realizing that we should have given notice for  
23 that older exhibit than the delay that was occasioned.

24 THE CHAIRMAN: We realize, Mr. Armstrong,  
25 that you have not been here and probably aren't up on

1 the various rules that we have instituted during the  
2 course of this hearing.

3 MR. ARMSTRONG: Q. All right. Now, Mr.  
4 Scott, what I want to refer you to is page 72, the last  
5 paragraph and I will just take it pretty much from  
6 there, and all I want to know is if you agree with that  
7 proposition. Would you agree with:

8 "Used in the Ministry of Natural  
9 Resource sense optimum and  
10 optimization are at best jargon and bear  
11 no relationship to the technical subject  
12 of optimization."

13 MR. SCOTT: A. I am not prepared to  
14 agree or disagree.

15 Q. And I direct you to paragraph 1 on  
16 page 73. What is your opinion on the statement that:

17 "It is important to understand that the  
18 approach used in the Ontario Ministry of  
19 Natural Resources planning is not  
20 achieving an optimum with respect to all  
21 values obtained from the forest. In  
22 fact, no real optimization process is  
23 used to determine the unique set of  
24 management actions required to achieve a  
25 defined best mix of benefits from the



1 forest."

2 A. Excuse me, I am sorry. I started  
3 reading from the top of that paragraph and I am not  
4 exactly sure where you are. Top of 73, first  
5 paragraph, which sentence?

6 Q. "It is important to understand that  
7 the approach used in the Ministry of  
8 Natural Resources planning..."

9 Do you see that?

10 A. Okay, I have got it. Sorry, yes.

11 Q. Have a read through that down to:  
12 "...best mix of benefits from the  
13 forest..."

14 A. If I can just offer a comment.

15 Q. Well, that's what I am looking for, I  
16 was asking your opinion on it.

17 A. I am not prepared to give an opinion  
18 again, and I am not trying to duck the question, as you  
19 alluded to, I am trying to exercise my responsibilities  
20 to give good answers and I don't feel that I can just  
21 offer an opinion quickly on most of these reports.

22 And during the time that I read it, I  
23 read the summary and the introduction and, as I said,  
24 it is written in a very difficult language to  
25 understand.

1 I am trying to be helpful, but I just  
2 don't believe that I want to offer opinions on things  
3 without great deal of interpretation.

4 I recall at the time the report was  
5 written people met with Dr. Baskerville to try and get  
6 at what he meant about some of the writing, and I was  
7 not one of those people who met with him and I just --  
8 I feel very uncomfortable about offering opinions on  
9 these matters without a great deal of thought and  
10 looking at what the words mean and how they are put  
11 together and that is the nature of the report.

12 MRS. KOVEN: Excuse me, Mr. Scott. Are  
13 you representative of how field foresters in MNR have  
14 reacted to Baskerville's Report, or can you tell us  
15 what kind of discussion there might have been among  
16 your peers about what this report was or...

17 MR. SCOTT: As I recall we went through  
18 the report quickly and had a turn-around time to filter  
19 comments to our region. There was a Ministry response  
20 that accessed many of the opinions of unit foresters  
21 and, of course, because of the subject to  
22 interpretation, I am sure the interpretation was - to  
23 use an expression - all over the wall.

24 And I am aware that the Ministry made an  
25 action plan based on a lot of the responses. My

1 feeling is, out of the foresters that I know, if  
2 pressed to offer these opinions on specific matters in  
3 this report, would approach it very much the same way,  
4 that they would want to exercise the responsibility to  
5 ensure the interpretation, the context of each of these  
6 statements is put in the right place and the right  
7 framework for their own experiences.

8 MRS. KOVEN: Have the foresters at MNR  
9 been instructed to follow the eight-point action plan  
10 that was in response to Baskerville's Report; has that  
11 come back down the line again?

12 MR. SCOTT: I believe there are some  
13 aspects that have come back down the line but, again, I  
14 have no familiarity with the specifics of that.

15 I do know that there have been committees  
16 structured and set up and trying to make progress and  
17 grapple with what we perceive as the problems that are  
18 identified in this report, and that is about the extent  
19 of my involvement in it.

20 MR. ARMSTRONG: Q. Mr. Scott --  
21 Doctor -- now, this is page 73.1.

22 MR. FREIDIN: Mr. Chairman, I don't -- my  
23 respectful submission is that if he continues this line  
24 of cross-examination it is not helpful.

25 My friend has asked questions, this

1 witness has said he isn't able to offer his view on  
2 certain specific sections because he has found that  
3 this report in the past has been difficult to read and  
4 he still feels that that is the case.

5 That is to do with this particular  
6 witness and, in my respectful submission, to continue  
7 this isn't going to be helpful.

8 MR. ARMSTRONG: Mr. Chairman, these  
9 questions are all dealing with tools that we have  
10 talked about for two days - I don't know how many other  
11 days - they are part of what this panel is all about.

12 I have a unique opportunity here to  
13 address questions to a forester who has also stated in  
14 his credentials that he is an integrated resource  
15 management specialist. If he says I don't know, well  
16 that is an answer. I am entitled to know at least that  
17 and to examine these areas -- these questions and have  
18 them on the record.

19 THE CHAIRMAN: Well, I agree, Mr.  
20 Armstrong, that you have a right to put the questions,  
21 but the witness is providing almost a blanket answer  
22 with respect to questions about this particular  
23 document and this particular report.

24 In the interest of saving some time, I  
25 don't know that it is going to be that productive to



1 put every question to him because the likely response,  
2 based on your previous answer, will probably be that I  
3 don't feel comfortable about answering that question or  
4 taking a position one way or the other.

5 Now, that is not to say, Mr. Armstrong,  
6 that other representatives of the Ministry are  
7 unprepared to answer questions on the Baskerville  
8 Report. Earlier in this hearing some questions were  
9 already put to other witnesses and opinions of the  
10 Ministry were given with respect to specific questions.

11 I think the only thing that is in doubt  
12 here is the qualifications - not because this witness  
13 is or isn't a forester - but the ability of this  
14 particular witness to answer questions relative to this  
15 particular report.

16 There are other foresters being called by  
17 the Ministry. We are going to deal, I would suggest,  
18 with this report in some detail, particularly around  
19 the time when Dr. Baskerville is called as a witness,  
20 and I would imagine there will be a number of parties  
21 who will want to put questions both to Dr. Baskerville  
22 and to Ministry witnesses with respect to this report.  
23 I know the Board will want to put some questions  
24 itself.

25 And I just don't know how productive

1 really it is to attempt to elicit some opinion from  
2 this witness when he has fairly clearly stated that he  
3 does not feel that he's in a position to answer this or  
4 does not want to answer this.

5 Now, you can put the questions to him, I  
6 suppose one by one, and hope that his answers will be  
7 different from the one he has just given, but I am not  
8 sure that that will be the case.

9 MS. SEABORN: Mr. Chairman, just while  
10 Mr. Armstrong is consulting, if I could just ask a  
11 question of clarification.

12 THE CHAIRMAN: Mm-hmm.

13 MS. SEABORN: When Dr. Baskerville does  
14 appear, will he be a witness of the Board? Mr. Freidin  
15 has indicated that he would not be a witness for MNR.

16 THE CHAIRMAN: Well, okay. We did not  
17 know where the applicant wanted to fit in Dr.  
18 Baskerville, if in fact they did. So our suggestion  
19 early on, Ms. Seaborn, was: Were they going to call  
20 Dr. Baskerville. And I think we indicated at one point  
21 that if they were not going to call Dr. Baskerville,  
22 the Board probably would because it seems important to  
23 us that Dr. Baskerville is here because there is some  
24 controversy about the report, about the language used,  
25 about the interpretation, and we think it is all more

1 or less subjective on the part of the parties to try  
2 and indicate what he meant, particularly when he may be  
3 available to answer these questions directly.

4 The Ministry does not want to call Dr.  
5 Baskerville as their witness - you have made that  
6 clear - and the Board wants the witness to be here. So  
7 I suppose for the purposes of the hearing it could  
8 be -- Dr. Baskerville could be considered to be a  
9 witness called on behalf of or by the Board.

10 MR. FREIDIN: That is not to say that I  
11 am not going to ask him a few questions.

12 THE CHAIRMAN: No, no. I think everyone  
13 is going to ask Dr. Baskerville questions.

14 MR. FREIDIN: I think it is probably  
15 apparent as to why I am taking the position that he is  
16 not the Ministry's witness as such.

17 THE CHAIRMAN: Well, he may not be giving  
18 evidence always in support of your client's case,  
19 certainly. Then again, he may; who knows what he is  
20 going to say.

21 But I think for the purposes of allowing  
22 all the parties an opportunity to question Dr.  
23 Baskerville, he may be in a slightly different position  
24 than other witnesses called by the various parties. I  
25 mean, the Board doesn't intend to call a large number

1 of witnesses, but I think Dr. Baskerville probably  
2 falls into the category of being a general witness for  
3 which the Board and other parties are interested in  
4 questioning. And I don't know if we can go further  
5 than that at this time.

6 MS. SEABORN: I am just trying to think  
7 ahead a little bit, Mr. Chairman, and Mr. Freidin said  
8 that that doesn't mean that he won't have some  
9 questions for Dr. Baskerville, as probably will most of  
10 the parties who have been following the proceedings.

11 But I take it his evidence-in-chief, if I  
12 can put it that way, would be this report that we have  
13 been dealing with, because I think if we get into a  
14 situation where Mr. Freidin is preparing any sort of  
15 supplementary material such as a witness statement or  
16 anything along those lines, then it would be different.

17 THE CHAIRMAN: And I think we will  
18 probably have to devise some sort of rules for the  
19 calling of Dr. Baskerville in the sense that the Board  
20 does not really want to lead this witness through  
21 evidence-in-chief. We feel that our role is not to get  
22 involved with the witnesses, certainly we are not going  
23 to have anything to do with Dr. Baskerville in terms of  
24 preparing him for his appearance.

25 MR. FREIDIN: I am not sure anybody can



1 necessarily lead Dr. Baskerville, true.

2 THE CHAIRMAN: Not knowing the gentleman,  
3 I am not even going to comment on that. But the point  
4 is: The Board doesn't want to be the one asking Dr.  
5 Baskerville questions in terms of examination-in-chief,  
6 although we may well have questions to ask of him  
7 concerning his report.

8 So we would prefer it if some party - and  
9 I suppose the Ministry is as good as any other party -  
10 to lead him through the report. We are calling him  
11 basically for the purposes of clarifying and dealing  
12 with his report.

13 ---Discussion off the record.

14 THE CHAIRMAN: Sorry.

15 MS. SEABORN: I don't mean to belabour  
16 the point, perhaps then if we can just leave it that  
17 Mr. Freidin will keep us advised of when this may occur  
18 and we may have to address the question again later as  
19 to how the evidence will be presented.

20 THE CHAIRMAN: Well, I think what we may  
21 consider, Mr. Freidin - and we will have to have some  
22 discussions I suppose amongst the Board members on  
23 this - is that we may consider writing Dr. Baskerville  
24 a letter from the Board indicating that during the  
25 course of this hearing questions have arisen on account

1 of his report and that the Ministry has been in touch  
2 with him as to the possibility of his testifying later  
3 on and that the Board would like to have him present  
4 and would also like, quite frankly, to have Dr.  
5 Baskerville be at least familiar with the Ministry's  
6 proposed timber management planning process as proposed  
7 before this Board so that his opinion on that process,  
8 in the light of his earlier report, could also be  
9 elicited.

10 The Board, of course, may not agree with  
11 his opinion, but the point being -- is that he has  
12 conducted an audit on the Ministry's performance prior  
13 to the planning process being developed that is before  
14 this Board. It would be helpful, I think, to the Board  
15 and the parties to at least elicit his views on how the  
16 report might have been changed, given the planning  
17 process now being put before the Board.

18 It really will not help the Board as  
19 much, nor the parties, if we are commenting strictly on  
20 what he said in this report and yet there is a number  
21 of changes that have been made, probably as a result of  
22 this report in terms of the action plan and in terms of  
23 the planning process you are now putting before the  
24 Board. And this is somebody who is familiar with the  
25 Ministry's past operations and can take a look as well

1 at what you are proposing and perhaps give us the value  
2 of his experience in those terms.

3 MR. FREIDIN: Are you suggesting, Mr.  
4 Chairman, that you will be writing a letter to Dean  
5 Baskerville in that regard?

6 THE CHAIRMAN: Well, what I am  
7 suggesting - and we haven't thought this through, I am  
8 just sort of discussing it in a very preliminary way -  
9 that I suppose it would be helpful if Dean Baskerville  
10 realized that when he attends that there may be some  
11 questions for him not only on his report per se, but on  
12 the proposed planning process that is being put before  
13 the Board as a result of this application.

14 And I am wondering if it is productive,  
15 if we are met at that point with the fact: Well, I  
16 know nothing about the Ministry's proposed application  
17 and all I can talk about is what happened, you know, a  
18 few years ago. That is why I asked you this morning,  
19 Mr. Freidin, whether or not Dean Baskerville has been  
20 sort of keeping abreast of these proceedings.

21 And I don't expect him to have read the  
22 transcript and be familiar with all the evidence that  
23 has been put in, but I was wondering whether or not he  
24 is aware in any detail of your application, the timber  
25 planning manual that is being developed by the Ministry

1 in conjunction with this application.

2 MR. FREIDIN: He is generally aware. I  
3 can't really speak for Dean Baskerville as to whether  
4 he is prepared to come and perhaps do the kind of  
5 detailed in-depth type of study that you might want to  
6 do or passing comment on what the Ministry is doing  
7 today.

8 And I think perhaps, as you suggest,  
9 maybe some further discussion in this regard would be  
10 advisable. To be quite frank, I can't tell you  
11 exactly what Dean Baskerville's response would be to  
12 your suggestion or to any particular suggestion by any  
13 particular party as to how he -- what he should say,  
14 how he should say it and how he can be helpful. I  
15 think Dean Baskerville may have certainly held views in  
16 that regard.

17 THE CHAIRMAN: Well --

18 MR. FREIDIN: Maybe.

19 THE CHAIRMAN: Okay. Well, without  
20 committing the Board to a particular course of action,  
21 we will give some consideration as to how we should  
22 handle his appearance.

23 But I think it will probably be in the  
24 context of one of the parties, probably you Mr.  
25 Freidin, at least conducting some kind of



1 examination-in-chief and then all of the parties,  
2 including the Board, having an opportunity to question  
3 him, not just on the examination for chief necessarily  
4 but, more particularly, on this report.

5 I think he will be in a different  
6 category than most witnesses to date. Is that...

7 MS. SEABORN: That is helpful. Thank  
8 you, Mr. Chairman.

9 THE CHAIRMAN: Okay. Mr. Armstrong?

10 MR. ARMSTRONG: While we are dealing with  
11 the areas that have just been talked about, the forums  
12 that I am more familiar with are guided by the  
13 principle that there is no property in a witness  
14 particularly before the person testifies.

15 I just want to get clear, unless there is  
16 something that says representative counsel cannot  
17 approach him to talk to him to learn things ahead of  
18 time, I presume that would be able to be done.

19 THE CHAIRMAN: I know of no rule that  
20 prevents any of the parties from speaking with Dean  
21 Baskerville. I think the Board has to be somewhat  
22 circumspect in terms of what it does with Dean  
23 Baskerville, but I don't see any problem with any of  
24 the parties. If he wishes to bconsult with any of you,  
25 I suppose you are free to ask his assistance or

1 question him.

2 MR. ARMSTRONG: Very good.

3 Now, at the risk of displaying an  
4 unseemly tenacity, on the matter of bouncing these  
5 concepts off Mr. Scott and seeking opinions, there were  
6 three other questions which I am prepared to forego at  
7 the direction of the Board.

8 But Ms. Koven in her questions pointed  
9 out a very relevant aspect of what it is I was trying  
10 to get at and; that is, she pursued the issue of what  
11 did foresters generally think of this.

12 THE CHAIRMAN: Okay. Well, go ahead with  
13 those questions and if the witness can answer, witness  
14 please do.

15 MR. ARMSTRONG: Q. Okay. Again, we are  
16 still on page 73, about a third of the way down:

17 "Because of the absence of measurable  
18 cause/effect relationships, the  
19 non-timber values are achieved by  
20 applying constraints to timber values  
21 rather than as a part of a combined  
22 objective function."

23 Do you have any opinion on that?

24 MR. SCOTT: A. I am trying to find where  
25 it is here again. Third of the way down in the first

1 paragraph?

2 Q. Well, no, third of the way down the  
3 page. That big paragraph which is the first  
4 paragraph -- first full paragraph.

5 A. I am sorry, yes. Pardon me, pardon  
6 me, the sentence starts there. The full sentence is:

7 "The major problems here are first  
8 because the non-timber values are stated  
9 in a fairly qualitative fashion. There  
10 is no defined best mix that could be used  
11 as a measurable target; and, second,  
12 primarily because the absence of  
13 measurable cause/effect relationships,  
14 the non-timber values are achieved by  
15 applying constraints to timber values..."  
16 et cetera. I am not prepared to make a comment on  
17 that.

18 Q. Fine, thank you. The same page  
19 toward the bottom, the second last sentence:

20 "In a strict logical sense, if these  
21 things are not in some way measurable,  
22 then it is not possible to know if or  
23 when there is enough or whether it is  
24 better or worse."

25 A. I'm sorry, I have to come back with

1 the same answer, I'm just not prepared to make comment.

2 Q. Page 74, he proposes that:

3 "An attempt to set attainable objectives  
4 would greatly enhance the focus of  
5 management programs."

6 Can you agree with that?

7 A. I have to say the same thing again;  
8 those are difficult words that are put together and  
9 subject to interpretation. I am just not prepared for  
10 a response.

11 Q. Well, this one is a little bit  
12 different though; isn't it, Mr Scott. It is not quite  
13 so in depth, it is not quite so specific within its own  
14 document. It is pretty general.

15 A. I am just not prepared to comment on  
16 it.

17 Q. Fine. Mr. Scott, you said earlier in  
18 cross-examination that you did not read all of your  
19 witness statement and, in particular, that part  
20 prepared by Dr. McNamee.

21 Did you read the references included as  
22 part of Dr. McNamee's report on pages 363 and 367?

23 A. I recall reading that a couple of  
24 years ago and I remember that it was in our witness  
25 statement but, again, as I said, I prepared myself and



1 came here intending to give evidence to paragraphs 7, 8  
2 and 9 of our witness statement.

3 And that's again why I am not prepared to  
4 answer questions on Dr. McNamee's material, I assumed  
5 Dr. McNamee would be here for that.

6 Q. Well, my question was: Did you read  
7 this and the answer is two years ago?

8 A. I have read that, yes. Probably  
9 about a year ago actually, but I can't remember exactly  
10 when. I recall seeing this.

11 Q. And would you agree with me that Dr.  
12 Baskerville says many of the same things in this  
13 report -- in this article as he does in the Audit  
14 Report?

15 A. Not without -- I wouldn't agree or  
16 disagree without going back and forth and relating the  
17 two of them.

18 Q. Well, as a forester with some  
19 acquaintance with Dr. Baskerville's work, would you not  
20 state that you, as a forester, and other foresters take  
21 the view that he is always pretty much talking about  
22 the same stuff?

23 A. I am not well enough acquainted with  
24 all his work to say that.

25 THE CHAIRMAN: Dr. Baskerville may

1 disagree with that statement.

2 MR. ARMSTRONG: Q. Now, Dr. McNamee --

3 DR. McNAMEE: A. McNamee, please.

4 Q. I'm sorry.

5 A. That's fine.

6 Q. McNamee?

7 A. Yes.

8 Q. All right. Good morning, sir. Has  
9 your work ever been scrutinized before a hearing prior  
10 to this?

11 A. No, it hasn't.

12 Q. Now, the approach that your firm uses  
13 relies heavily on the technical expertise of the client  
14 you are working for; is that correct?

15 A. The approach that we used in the work  
16 that we did for MNR relied on the technical expertise  
17 that we had at the workshops, those -- and that the  
18 expertise that we had was from some of the MNR staff  
19 and other technical people as well.

20 Q. I take it from that that you weren't  
21 relying on ESSA technical staff?

22 A. Sorry? No, we weren't.

23 Q. Rather, your role was to assist your  
24 client to have them -- or to assist them in thinking in  
25 a disciplined or, the term you used, a rigorous way

1 about a specific problem and not to provide your own  
2 technical input?

3 A. That's true. I would add that it was  
4 to assist all of the staff that we had at the workshops  
5 and, as I said, that group had non-MNR staff there too.

6 Q. And was this the approach that you  
7 used in your work for the Ministry of Natural Resources  
8 on the resource guidelines?

9 A. Was this the approach?

10 Q. Yes, not ESSA staff, but -- and  
11 expertise rather?

12 A. That's right.

13 Q. Is this then the reason that you are  
14 presenting evidence only on the methodology used?

15 A. That's right, yes.

16 Q. I would like to clarify therefore  
17 exactly what, if anything, you take technical  
18 responsibility for and what is really the work of  
19 others. This is quite a lengthy report. Its front  
20 page is by, authored, and you show up as the senior  
21 author?

22 A. Yes. If you look at the various  
23 chapters of that report, the authors of each - of the  
24 chapters of the report are stated at the front.

25 For example, page 98 -- excuse me, page

1 100 gives you the list of experts that were in a  
2 sub-group at the workshop that went through that  
3 particular hypotheses of effect. Our role was to take  
4 the draft reports written by each of these groups, put  
5 those into an overall report as a complete draft which  
6 was then sent to all of the experts who had been  
7 involved in the project.

8 Q. So text written by ESSA ends at page  
9 21 then?

10 A. The text which we wrote is pages 1  
11 through to 18 and 211 to 226.

12 Q. Including the charts that appear  
13 following 211?

14 A. Yes.

15 MR FREIDIN: Perhaps just for the record,  
16 who wrote the executive summary?

17 DR. McNAMEE: I did as well. I did.

18 MR. ARMSTRONG: Q. So you wouldn't,  
19 therefore, be able to the comment on the technical  
20 aspects of these hypotheses in terms of accuracy and  
21 comprehensiveness, et cetera?

22 DR. McNAMEE: A. Not particularly. I  
23 would have to say though that I believe that they --  
24 that the evidence described in that report for those  
25 particular effects are what I believe is very close if



1 not the best state of understanding about those effects  
2 which existed at that point in time.

3 Q. Now, it is my understanding of the  
4 purposes of the contract - and that's the contract that  
5 you were involved with --

6 A. Yes.

7 Q. --to do this work - were, among other  
8 things, to develop quantitative models that linked  
9 timber management activities to other resource values,  
10 to identify key uncertainties, to develop and evaluate  
11 a set of testable hypotheses that describe current  
12 understanding about the impact mechanism.

13 Now, would you agree that that's an  
14 accurate summary of some purposes of this assignment?

15 A. I would agree that part of the  
16 contract was to develop the last two of those three  
17 points. And I would say that the first of those three  
18 points was a means to the end. We used the process of  
19 building a quantitative model as a means to helping  
20 design an effects monitoring program.

21 Q. Now, I may be splitting hairs here, I  
22 don't know, but the information I have: Purpose of the  
23 Assignment:

24 "The purposes of the assignment for  
25 which proposals are requested are..."

1 And under Phase 1:

2 "To develop quantitative or conceptual  
3 models that link the most important  
4 timber management activities to these  
5 other resource values."

6 A. I will admit that a model was built.

7 I do stress though that it is very important to  
8 understand why the model -- why we went through that  
9 step. It was not one of the -- it was not a goal of  
10 the whole effort to produce a working model which we  
11 would then hand over to MNR.

12 Q. Are you saying that that was not one  
13 of the terms of reference?

14 A. That what was not one of the terms of  
15 reference?

16 Q. "To develop quantitative or  
17 conceptual models that linked the most  
18 important timber management activities to  
19 these other resource values."

20 A. Absolutely. But I also am trying to  
21 explain what the model was used for.

22 The model was used as a means to get a  
23 group of diverse technical experts to explicitly define  
24 what their hypotheses of effect were in terms of what  
25 the -- of what effects timber management actions may

1 be, to get the technical experts to clearly define or  
2 to understand what the key unknowns were. And it would  
3 be a mistake to use the model that we had built as in  
4 any other way.

5 Q. All right. We can talk about that.  
6 Just let me proceed with the questions here.

7 How much time did you, the members of  
8 your staff, and MNR staff spend writing, debugging and  
9 verifying the model and assembling the input data  
10 files?

11 A. To write, debug and...?

12 Q. Verify the model.

13 A. Verify.

14 Q. And also assembling the input data  
15 files.

16 A. Okay. What I am going to do is I am  
17 going to group part 1 and part 4 into one chunk.

18 To write the model and prepare the input,  
19 our staff spent about two person months -- no, I would  
20 say about probably one half of that time; to debug the  
21 model as best as we could in the time we had, probably  
22 about another man month; and to verify the model,  
23 practically no time at all.

24 THE CHAIRMAN: Is that because you did  
25 not verify it?

1 DR. McNAMEE: It is because we felt that  
2 there was no need. Because of the way the model was  
3 going to be used in the project, that was not a step  
4 that we had to go through.

5 MR. ARMSTRONG: Q. All right. Now, I  
6 may have lost track of you in your numbers because I  
7 think one you change partway through as you  
8 reconsidered.

9 But I think you can give me the total  
10 from what you said and you should have it pretty much  
11 upper most in your mind. Writing, debugging and  
12 verifying the model, how many person months?

13 DR. McNAMEE: A. To write and debug,  
14 approximately two-man months.

15 Q. And no time verifying, so there is  
16 two months -- two-person months. How much time  
17 assembling the input data files?

18 A. As I said, the one-man month which I  
19 estimated--

20 Q. Sorry?

21 A. --to write the model, that includes  
22 time for the data inputs as well.

23 Q. So no additional time there; is that  
24 what you are saying?

25 A. I am saying that to prepare the



1 inputs, as well as to write the model, took one-man  
2 month of time.

3 Q. All right. Now, are you answering my  
4 question based on the time spent and effort of ESSA  
5 staff?

6 A. That is the amount of time that our  
7 staff spent.

8 Q. All right. Now, my question included  
9 as well time devoted by MNR staff.

10 A. Okay. That's not -- okay. By MNR  
11 staff, or by all of the people who were involved?

12 Q. Everyone.

13 A. Everyone. For each of those steps?

14 Q. Yes.

15 A. Okay. None of the staff had any hand  
16 in writing up the model. In terms of providing input,  
17 it is pretty hard to assess how much time they actually  
18 spent, but I would probably say two-man months.

19 Q. Two-man months from whom?

20 A. From all staff.

21 Q. And that's for what part of the  
22 process?

23 A. My estimate was that staff involved  
24 in the project, other than our staff, spent  
25 approximately two-man months in the job of giving us

1 data input.

2 Q. They spent two months giving you  
3 data?

4 A. That's right. Two-man months in all,  
5 overall of those staff.

6 Q. I think that doesn't answer my  
7 question as to how many months spent with respect to  
8 data because it doesn't address the question of how  
9 much time MNR and other staff spend assembling the data  
10 to give you?

11 A. That -- as I said, that task, MNR and  
12 the other staff, my estimate is that they spent two-man  
13 months amongst all of them.

14 Q. All right. Now, I think you have  
15 made the comment that the model was not deliverable of  
16 the contract?

17 A. Absolutely.

18 Q. But I certainly get the impression  
19 that it is a very central aspect or purpose of your  
20 work?

21 A. Which form of the model are you  
22 speaking of?

23 We actually worked with two forms of the  
24 model. Two forms: One is a quantitative form, one is  
25 a form that is contained in what we call these

1 hypotheses of effect, and it is that form of the model  
2 which we built which forms the core of our work.

3 Q. So you agree with me that one, the  
4 other, or both of these models are central to the  
5 project?

6 A. One of the forms is, and the form  
7 that is is the form that is described in our March, '88  
8 Report on page 16.

9 And the more detailed version of that  
10 page 16 - which are these particular hypotheses of  
11 effect which are used throughout page 19, page 40 and  
12 all the way through - that's the form of the model  
13 which forms the core upon which the design of the  
14 effects monitoring was built.

15 Q. And the other form of the model that  
16 did not form the core, I understand then, was the  
17 quantitative?

18 A. The quantitative model.

19 Q. Then why did you do that model?

20 A. Because, as I have tried to explain  
21 before, the steps that one takes in building a  
22 quantitative model of that sort allowed the experts and  
23 the people we had at the workshop itself -- it made  
24 them explicitly state what their hypotheses of effect  
25 were, it forced them to think very hard about what --

1       excuse me, over what spacial extent and so on, these  
2       effects would probably occur. It forced them to  
3       explicitly define what was known and what was unknown,  
4       okay.

5                       Q. Yes.

6                       A. And the process of building a  
7       quantitative model of that sort allows a group of  
8       experts to do a much better job of all of those things  
9       than they would otherwise be able to.

10                      Once that was built and once we had a --  
11       once all of that -- once the experts who were involved  
12       had gone through all of that, then the quantitative  
13       model was not used at all; it had done its job. The  
14       building of it had basically allowed the experts to do  
15       all of those things and once that had been done, the  
16       actual working model was no longer used.

17                      Q. Now, this working model we are  
18       talking about of course is a computer model?

19                      A. Yes, it is.

20                      Q. And are you saying that you never had  
21       it up and running?

22                      A. Sure, it was.

23                      Q. All right. And what did you run it  
24       on in terms of what does it take to run the program?

25                      A. Big machines. It ran on an Amdol



1 mainframe.

2 Q. So it is a --

3 A. It's a very big machine.

4 Q. It is a very extensive and complex  
5 program?

6 A. Yes. And the reason is because we  
7 rather than exclude the input -- we wanted to include  
8 as much of the expertise that was there, okay, as we  
9 could. We wanted to include as much of the expertise  
10 that was in -- that was there and that's the reason why  
11 it was extremely big.

12 Q. And in the area of that quantitative  
13 modelling, that also included the best knowledge  
14 available at the time, I think that was the term you  
15 used.

16 A. I used that term in -- when I  
17 referred to this -- excuse me, this report here. I  
18 believe that this report contains the best  
19 understanding that existed at the time this report was  
20 written about the timber management effects that are in  
21 here.

22 I am not convinced that the working model  
23 that we built and that exists on the mainframe has all  
24 of that understanding. You must realize that it was  
25 built in a very short space of time.

1 Q. What this process was all about was  
2 to build a model that, from the quantitative point of  
3 view, integrated all resource values?

4 A. The purpose of the exercise or the  
5 project was to help design an effects monitoring  
6 program which would help do two things -- which would  
7 do two things: (a) test the important hypotheses of  
8 effect, and (b) test how well the timber guidelines are  
9 in being able to predict for those impacts. That is  
10 what it was all about.

11 Q. Uh-huh. And from what you are  
12 telling me - I am sticking with the quantitative  
13 modelling aspect here - from that aspect of it, from  
14 what you said, for all you know that could have been  
15 based on bad information because you can't adopt the  
16 fact that it was the best information?

17 A. It was based on the best that -- on  
18 the best understanding that could be brought to bear on  
19 the building of that model at that point in time.

20 Q. You said you weren't convinced, that  
21 is your word, that it was based on the best  
22 information?

23 A. I said I am not sure.

24 Q. Well, if you are confused about it,  
25 could it have been that there was bad information?

1 A. Used in what? Used for which one?

2 It is important to keep the two models...

3 Q. Well, I just told you we were talking  
4 about the quantitative model.

5 A. Yes, there may be.

6 Q. All right. Are you telling me then  
7 that what you end up with is something that is  
8 practically worthless?

9 A. As what? For what?

10 Q. As this modelling tool.

11 A. It was not a modelling tool, it  
12 was...

13 Q. Well, is it practically useless?

14 A. It was not a modelling tool; it was  
15 not the objective to build a modelling tool.

16 Q. So is it practically useless as a  
17 modelling tool?

18 A. I believe that, as the model stands  
19 right now, as a tool to quantitatively predict timber  
20 management -- excuse me, to quantitatively predict the  
21 effects of various timber management actions, the model  
22 requires a great deal of extra work and I would advise  
23 that nobody think that that job -- that if one wanted  
24 to take that model and make that a quantitative tool  
25 that (a) did contain the best current understanding,

1 and (b) could be used by those who do resource  
2 management of various forms, that they would feel that  
3 it was a tool that they could actually use; that  
4 process takes an extremely long period of time.

5 Q. Well, you indicated it needs a great  
6 deal more work. Is that in the area of data collection  
7 or the model itself?

8 A. Both, refinements. The only group  
9 who have any incling of what is in there right now are  
10 the people who were involved -- who were there at the  
11 workshops. It takes a great deal of work to take a  
12 model of that sort and to turn it into a working  
13 resource management tool. And I make that statement  
14 because we have been asked in our firm to build tools  
15 of that sort and it takes many years, it takes a lot of  
16 time.

17 Q. Now, you mentioned people are grouped  
18 at the workshops. As you know, my client the Ontario  
19 Federation of Anglers & Hunters was invited to  
20 participate in your study. Were some or all of the  
21 participants circulated a copy of the terms of  
22 reference for your study?

23 A. I am not aware of that. I am not  
24 sure.

25 Q. Well, assuming we were, in agreeing



1 to participate would you feel it would have been  
2 unreasonable to expect the purposes contained in the  
3 terms of reference to be fulfilled?

4 A. Sorry?

5 Q. For a participant would it be  
6 unreasonable of that participant to expect the terms of  
7 reference to be fulfilled?

8 A. No.

9 Q. Where did the term effective or  
10 effectiveness monitoring originate?

11 A. I am not sure of the exact -- of  
12 where it -- where that term came to be used. It is a  
13 term which, in the last six to eight years, is being  
14 used more and more and more as people realize that it  
15 is impossible to accurately predict and know what every  
16 impact of any particular action might be. And it is,  
17 therefore, important to look at, once those actions are  
18 put in place, what the effects actually are.

19 Q. Now, I can tell you that in agreeing  
20 to participate, my client was expecting a positive  
21 study in the sense of developing a comprehensive set of  
22 tools to predict and evaluate the effects of timber  
23 management. And that is a fair expectation, given the  
24 terms of reference?

25 A. The objective was to build -- was to

1 design an effects monitoring program. One of the tools  
2 that we agreed to use in the design of that -- of a  
3 program of that sort was a quantitative model. The  
4 model was not the end, the model was a means to the  
5 end.

6 Q. Well, what I am asking you is: The  
7 expectation that I have suggested my client had, was it  
8 a reasonable or an unreasonable expectation?

9 A. I have no idea. I am not sure. It  
10 is unreasonable in a general sense to expect that a  
11 quantitative model of that sort which is built in such  
12 a short period of time could be used as is, as a tool  
13 in the way that -- as a tool to quantitatively assess  
14 impacts.

15 Q. Did your project evaluate the  
16 guidelines that we have been looking at?

17 A. In what way?

18 Q. In any way?

19 A. We took a look at the results as are  
20 indicated on page -- excuse me, on page 212 to 214 of  
21 the March, '88 Report and based on that -- I think it  
22 is safe to say that the timber management guidelines as  
23 they existed at that time did address most of the  
24 hypothesised effects of timber management.

25 Q. Well, as I have a look at this area

1       that you have directed us to, it seems to me that in  
2       terms of, to use the term evaluating of the guidelines,  
3       you are really describing what there are for  
4       guidelines, almost cataloguing them by how many there  
5       are?

6                     A.   Yes.

7                     Q.   What it's supposed to do here;  what  
8       it's supposed to do there?.

9                     A.   Right.

10                    Q.   Did you evaluate the effectiveness of  
11       the guidelines to protect values?

12                    A.   Yes.  As you see on Table 6 - try the  
13       best way to explain this--

14                    Q.   As you are looking at that,  
15       indicating that you did evaluate effectiveness, could  
16       you direct yourself to what you concluded in that  
17       evaluation as well?

18                    A.   From the group involved they  
19       assessed - and as is there, that the -- I am sorry,  
20       that the effectiveness of those three sets of  
21       guidelines in being able to predict or deal with the  
22       effects of timber management actions were uncertain.

23                    Q.   Uncertain?

24                    A.   Uncertain from a scientific, a  
25       technical point of view.

1 Q. Doctor, I am going to show you a  
2 photocopy of an overhead used at your workshop. Do you  
3 recognize that? (Handed)

4 A. Yes, that is I believe hypothesis 8.

5 MR. ARMSON: Mr. Chairman, I would like  
6 that marked as an exhibit, please. (handed)

7 THE CHAIRMAN: Exhibit 403.

8 ---EXHIBIT NO. 403: Photocopy of overhead used at Dr.  
9 McNamee's workshop.

10 DR. MCNAMEE: That is an earlier  
11 version -- excuse me, that was a draft of what came to  
12 be No. 8 which is described and written up, pages 132  
13 and onward in this March, '88 Report.

14 Excuse me, I am wrong, it is a first  
15 draft of hypothesis No. 9 starting on page 156 of the  
16 March, '88 Report.

17 MR. ARMSTRONG: Q. Could you explain to  
18 the Board, please, how this was used in the workshops  
19 and the message that it intended to convey?

20 DR. MCNAMEE: A. This is a statement of  
21 how many specific hypotheses of effect - let me see. I  
22 would prefer to use the one that is actually in the  
23 March Report--

24 Q. Very good.

25 A. --on page 156. That diagram on page



1 156 essentially contains two hypotheses of effect  
2 which...

3 Q. But how was it used at the workshop?

4 A. Just a moment. --which describe the  
5 way in which various timber management actions that are  
6 listed at the bottom of that page affect the resource  
7 value at the top of that page.

8 This was used in each step -- each step  
9 up through, from the timber management action to the  
10 moose population, okay, up at the top. We asked: What  
11 evidence do you -- does exist right now.

12 Q. You asked that to who?

13 A. To the people who were in that group.  
14 We asked that first of the people who were in that  
15 group and the people who are in that group are listed  
16 at the top of page 158 of that March, '88 Report.

17 Q. All right. Did you direct them in  
18 that question to whether you were interested in  
19 qualitative evidence or quantitative evidence?

20 A. Any kind, any kind. Link-by-link,  
21 first, for link 1, link 2, 3, 4 and on the way up.

22 Then, as a result of that, after all of  
23 the evidence was out, we said: Okay, this is the  
24 evidence that this group has, okay, without the timber  
25 management guidelines for moose habitat being used.

1 Then we went through the same process again and said:  
2 Okay, how -- what kind of evidence do we have for each  
3 of these that can give us some idea as to how well or  
4 how -- how well the timber management guidelines for  
5 moose would be able to, in this case, improve habitat  
6 for moose, okay.

7 And once all of that was out, it became  
8 very obvious in this case that the -- based on the  
9 evidence that was brought forth, that it was unclear  
10 how well -- how the timber management guidelines for  
11 moose would be able to deal with this effect here. And  
12 the group said: Based on the evidence that was brought  
13 forth an effects monitoring -- that some effects  
14 monitoring of some sort needs to be done.

15 And then once that was brought out, we  
16 then talked about: Well, what would we have to do to  
17 help us understand (a) this particular effect here and  
18 (b) whether or not the timber management guidelines do  
19 or do not work for this effect.

20 Q. So that is how it was used?

21 A. Yes.

22 Q. Now, there is one area that does  
23 fascinate me and that is in terms of available evidence  
24 and it strikes me that when we talk about evidence we  
25 say: Well, we have evidence that we know this, this

1       and this. That is what evidence is; right?

2                   A. Mm-hmm.

3                   Q. Evidence is, therefore, always  
4       quantitative as to things that we know in this, this  
5       and this?

6                   A. No, it is not. It all depends how  
7       you define that term.

8                   Q. I want to deal with another of your  
9       overheads. Do you recognize this as an overhead also  
10      used at your workshop?

11                  A. No, that was an overhead that was  
12      part of a package of overheads which our firm made for  
13      MNR so that they could go to other MNR staff and other  
14      agencies and groups to talk to them about what we had  
15      done.

16                  Q. Other agencies and groups like my  
17      client?

18                  A. I am not sure whether they actually  
19      did go to your client, I am not sure.

20                  Q. The diagram does become involved in  
21      the process that we are talking about?

22                  A. It does become involved in the  
23      process.

24                  Q. Yes, either in or around your  
25      workshops obviously?

1 A. Yes.

2 MR. ARMSTRONG: Mr. Chairman, I would like  
3 to make this an exhibit.

4 THE CHAIRMAN: Exhibit 404.

5 ---EXHIBIT NO. 404: Photocopy of overhead prepared by  
6 Dr. McNamee.

7 MR. ARMSTRONG: Q. Now, looking at  
8 exhibit 403 and the chart pinned up on --

9 DR. McNAMEE: A. Excuse me, why don't we  
10 use page 156 of the March, '88 Report instead.

11 Q. Well, why don't we -- with all due  
12 respect, use Exhibit 403 because sometimes we deal with  
13 information and sometimes we deal with how information  
14 is laid out and it may be more useful. Could I ask you  
15 to look at 403.

16 A. Sure.

17 Q. Okay. Which, for my purposes right  
18 now, presents a certain visual image of rectangles and  
19 ovals. You see that?

20 A. Yes, I do, sir.

21 Q. All right. Now, in Exhibit 404 this  
22 little cartoon there seems to be a chart up on the wall  
23 and that is the same sort of chart?

24 A. It may be. I mean, it is a chart.

25 Q. All right. Could you explain how



1 Exhibit 404 was used and the message it intended to  
2 convey?

3 A. The chart described -- 404 was meant  
4 to be used by a staff person within MNR to describe the  
5 process by which we went through what is on 403.

6 Q. Okay.

7 A. As I have explained to you.

8 Q. And 404 says:

9 "Clarify hypotheses, document evidence,  
10 determine significance, evaluate  
11 guidelines and develop recommendations."

12 Now, I know that you have a vast expertise, but now and  
13 again even the most expert has to communicate to a  
14 layman and indeed within your workshops some of the  
15 participants attending could be described as  
16 laypersons; isn't that true?

17 A. They were all invited because of  
18 particular technical expertise they had.

19 Q. Well, to the layperson, would Exhibit  
20 403 suggest that hypotheses effects were to be used to  
21 predict the impacts of various timber management  
22 activities and, on this basis, the guidelines would be  
23 evaluated?

24 A. I am not sure what they would think.

25 Q. But you would agree with me that the

1 words are there?

2 A. Once more through the words?

3 Q. The words are there.

4 A. Which?

5 Q. On 404, the ones that I had read.

6 A. Those words, yes. These words are on  
7 this sheet of paper.

8 Q. So does it seem unreasonable to you  
9 then that the participants in your study would expect  
10 at least to have a preliminary evaluation of the  
11 guidelines from your study given the terms of reference  
12 and the material presented to them at the workshop?

13 A. And they did from a -- and that - as  
14 I tried to explain earlier, perhaps didn't do a very  
15 good job of it - is described on page 212 -- on pages  
16 212 to 214.

17 In every instance where timber management  
18 guidelines did exist to deal with a particular timber  
19 management effect, the group decided that they were  
20 uncertain, given the best current understanding at that  
21 point in time, as to whether or not they would actually  
22 predict for each of those effects.

23 Q. Did you make any revisions or  
24 improvements to the guidelines?

25 A. No, we did not. We were not asked

1 to.

2 Q. You have heard reference to the  
3 Baskerville Audit Report in evidence. Have you read  
4 it?

5 A. I have.

6 Q. And so you have some knowledge of its  
7 contents?

8 A. Yes. I do not pretend to understand  
9 all of it because it deals with issues of which I am  
10 not -- I don't have much understanding on.

11 MS. BLASTORAH: Mr. Chairman, just for  
12 the record, is that Exhibit 16 or one of the other  
13 Baskerville documents that we have been discussing?

14 MR. ARMSTRONG: The Audit Report I  
15 believe, Mr. Chairman, is Exhibit 16.

16 THE CHAIRMAN: All right. Exhibit 16.

17 MR. ARMSTRONG: Q. Doctor, I am going to  
18 show you a photocopy of another overhead in the same  
19 series. Do you recognize that?

20 DR. McNAMEE: A. That's not the whole  
21 overhead. I think it would be fair to everybody here  
22 to show the whole overhead.

23 Q. Do you have it?

24 A. It is back in my office. I believe  
25 that was an overhead that MNR asked us to make for them

1       which -- I can't remember exactly, but was intended to  
2       show or to enable MNR staff, I think, to describe how  
3       the timber management guidelines came to actually be.  
4       I am not sure of that, but I do know for sure that this  
5       is not the whole overhead.

6                   Q.   I presume this must have been an  
7       earlier than draft form of it?

8                   A.   I can't remember, I am not sure.

9                   MR. ARMSTRONG:   Well, Mr. Chairman, I  
10       would like to put in this as an exhibit subject to a  
11       further exhibit for clarification that the Doctor could  
12       produce.

13                   THE CHAIRMAN:   Very well.   Exhibit 405.

14                   These are certainly referring to two  
15       elements of this hearing.

16                   DR. McNAMEE:   I have a description of all  
17       of the overheads that were used in the set -- that are  
18       contained in the set of overheads that we made for MNR.

19                   MR. ARMSTRONG:   Q.   Well, could I get --

20                   DR. McNAMEE:   A.   And this one is not in  
21       there, so this was from an earlier draft.

22                   Q.   Yes.   Could I get what you have  
23       referred to as well as the final draft of --

24                   A.   Well, this one was not used.   This  
25       was done up as a draft shown to -- this one plus



1 everything else that was on it, was done up as a  
2 draft -- in a draft set of overheads for MNR which they  
3 reviewed and, based on that review, they said this is  
4 not an overhead that we want.

5 Q. Well ---

6 THE CHAIRMAN: What is the value of it in  
7 that context, Mr. Armstrong?

8 MR. ARMSTRONG: Well, I would like to  
9 pursue - since we know that the Baskerville Report was  
10 obviously thought of, it was in the back of somebody's  
11 mind in this process - what, if anything, was done to  
12 see how this workshop process or whatever surrounded it  
13 bounced off of those ideas.

14 THE CHAIRMAN: Well, I suppose you can  
15 ask this witness but he may not be able to tell you  
16 what was in the minds of the master.

17 MR. COSMAN: Mr. Chairman, just perhaps  
18 before my friend continues, just for my own record  
19 here, what is this last exhibit? This document plus  
20 whatever else was on it was part of an earlier draft  
21 which -- I am not even sure what we have, that's my  
22 problem.

23 THE CHAIRMAN: Well, as the Board  
24 understands it, this was an early draft of something  
25 that was developed further which ultimately the

1 Ministry decided it didn't want.

2 MR. COSMAN: But he indicated there were  
3 other things on it. Is it part of an earlier draft, I  
4 just can't...

5 DR. McNAMEE: It is part of an earlier  
6 draft, overhead.

7 MR. ARMSTRONG: Q. Well, is the  
8 Baskerville Report referred to -- or was it referred to  
9 at your workshops?

10 DR. McNAMEE: A. No, not that I can  
11 remember.

12 Q. Now, this gets into the fact that you  
13 are familiar with the work of Dr. Baskerville?

14 A. Of what part of his work?

15 Q. Well, I will guide you to that.

16 A. Okay.

17 THE CHAIRMAN: Now, just going back, what  
18 are we going to do with -- we have got this admitted,  
19 for what it's worth, but there doesn't appear to be  
20 much point in producing whatever else formed the draft  
21 because ultimately it had no purpose in that it was not  
22 accepted for any purpose by MNR, at least this is the  
23 evidence I understand.

24 DR. McNAMEE: Absolutely.

25 MR. ARMSTRONG: So if we were dealing

1 with an issue of limited probative value - and we may  
2 well now that I have found out some more about what  
3 went on - we do have the opportunity, I presume, of  
4 excising out this exhibit number without fouling up  
5 your numbering system because at least one hasn't  
6 followed it.

7 THE CHAIRMAN: It will be so excised.  
8 Reporter, you shall delete Exhibit 405.

9 DR. McNAMEE: A first, the numbers are  
10 going down.

11 THE CHAIRMAN: You notice I did that  
12 before ripping it up because we do not want to tamper  
13 with any of the evidence. It's done.

14 MR. ARMSTRONG: Very good. Thank you.

15 Q. Now, Dr. McNamee, Dr. Baskerville  
16 recommended five major areas requiring action. One  
17 was:

18 "The need to ensure that non-timber  
19 values; i.e., other uses of the forest  
20 such as wildlife habitat or recreation  
21 tourism, are managed towards measurable  
22 and quantifiable objectives."

23 Now, what measurable and quantifiable objectives for  
24 non-timber values did your work establish or lead to?  
25 If your answer is none, that's fair enough.

1 DR. McNAMEE: A. I am trying to think,  
2 sir. In terms of looking at the effects of timber  
3 management actions and in designing an effects  
4 monitoring program for MNR, we had to ask the question:  
5 What is it about those three resource values that the  
6 group who was involved felt was important to look at  
7 and examine from an effects monitoring point of view.

8 Q. You had to focus in there what  
9 objectives within those areas?

10 A. We said: Okay, let's take -- what is  
11 it about moose that the Timber Management Guidelines  
12 for Moose Habitat should --

13 MR. ARMSTRONG: Can I just have a second,  
14 Mr. Chairman.

15 Q. I just want to make sure that my  
16 question hasn't confused or misled you and I will add  
17 some detail to it.

18 My question dealing with quantifiable  
19 objectives was not the objectives of your workshop, but  
20 were you examining objectives within the timber  
21 management planning?

22 DR. McNAMEE: A. No.

23 Q. All right. So you established no  
24 quantifiable objectives in that area?

25 A. From the point of view of looking at



1        what the effects of a timber management plan may do or  
2        may be?

3                    Q.    No.    Let's back up a little bit.    As  
4        Dr. Baskerville refers to in his report.

5                    A.    No.

6                    Q.    All right.    Would you say that your  
7        work addresses the major area of concern raised by Dr.  
8        Baskerville?

9                    A.    What is his major area?

10                   Q.    Now, we have read that:

11                   "The need to ensure that non-timber  
12                   values; i.e., other uses of the forest  
13                   such as wildlife habitat or recreation  
14                   tourism are managed toward measurable  
15                   and quantifiable objectives."

16                   A.    No, I don't believe so.

17                   THE CHAIRMAN:    We are going to have  
18        further testimony at some point, Mr. Freidin, on what  
19        that statement means from Dr. Baskerville.    This is  
20        their interpretation of what he means.

21                   DR. McNAMEE:    I would have to say no,  
22        probably not.

23                   MR. ARMSTRONG:    Q.    Thank you.    Now, have  
24        you satisfied the requirements of your original  
25        contract with the Ministry?

1 DR. McNAMEE: A. Yes, we have. I  
2 believe we have.

3 Q. So all outstanding contractual  
4 matters are resolved regarding the initial work, you  
5 have been paid in full, it is done?

6 A. Yes.

7 Q. We have talked about the quantified  
8 or quantifiable model, the computer model, we discussed  
9 that?

10 A. Yes.

11 Q. Where is it at the present time?

12 A. It resides on a tape at UBC in  
13 Vancouver.

14 Q. All right. You are sure about its  
15 whereabouts there?

16 A. Oh yes.

17 Q. Okay. Does the Ministry of Natural  
18 Resources have a copy of that model, and I am talking  
19 about --

20 A. A written?

21 Q. No, not --

22 A. On tape or...?

23 Q. Yes, computer.

24 A. No, they don't.

25 Q. Other than as a result of the request

1 from my client and several other intervenors, has the  
2 Ministry of Natural Resources requested a copy of the  
3 model?

4 A. MNR?

5 Q. Yes.

6 A. No.

7 Q. All right. We touched on this very  
8 briefly, but I would like you to help me somewhat more  
9 expansively. You said it took very big equipment to  
10 run this?

11 A. Yes.

12 Q. Could you outline, please, for us -  
13 and, if you can, in terms the layman might relate to -  
14 just what is the size and complexity of this program?

15 A. Big.

16 Q. Fair enough.

17 THE CHAIRMAN: As in large.

18 DR. McNAMEE: Awesome.

19 MR. ARMSTRONG: Q. How many lines of  
20 coding?

21 DR. McNAMEE: A. I am not sure.

22 Q. It is supported by data files?

23 A. Yes, it is.

24 Q. How many data files? Now, here --

25 A. I can't remember, I have not looked

1 at the code for the model in two years, almost two  
2 years, so I am not sure.

3 Q. Sometimes witnesses, you know, get  
4 pretty concerned about being pinned down and I want to  
5 emphasize there is certainly flexibility here.

6 A. Less than ten data files.

7 Q. All right.

8 THE CHAIRMAN: Where is this all leading,  
9 Mr. Armstrong?

10 MR. ARMSTRONG: It is leading, Mr.  
11 Chairman, to the fact that we have a very large, big,  
12 computer model that is obviously very comprehensive and  
13 it seems to be just on the storage shelf.

14 DR. McNAMEE: Large and big does not mean  
15 good.

16 MR. ARMSTRONG: And essentially, Mr.  
17 Chairman, where it is leading is something in the area  
18 of whether or not we are dealing with an Avro arrow  
19 situation as that myth goes.

20 Now, is this computer model going to be  
21 chopped up in pieces big enough to be pushed through a  
22 key hole, you know; and, if so, why?

23 THE CHAIRMAN: Well, I am not sure I  
24 quite understand the bottom line of where you are  
25 going.



1                   MR. ARMSTRONG: Well, we had a workshop  
2 with certain methodologies which yielded certain  
3 results and it would appear to me that one of those  
4 results was this model.

5                   THE CHAIRMAN: But what value is this  
6 model going to be in the context of this hearing given  
7 this witness' evidence about that model and the use  
8 that that model was put to?

9                   MR. ARMSTRONG: If I can just have a  
10 second.

11                  MR. STRAIGHT: Mr. Chairman, is there  
12 going to be some convenient time this morning where we  
13 could have a break?

14                  THE CHAIRMAN: I guess if I say no there  
15 may be a problem.

16                  MR. STRAIGHT: Yes, sir, there may.

17                  THE CHAIRMAN: Perhaps we will take a  
18 ten-minute break at this point.

19                  MR. STRAIGHT: Thank you, sir.

20 ---Recess taken at 11:17 a.m.

21 ---Upon resuming at 11:30 a.m.

22                  THE CHAIRMAN: Thank you. Be seated,  
23 please.

24                  Mr. Armstrong, in order to expedite  
25 things a little, I take it at the end of this repartee

1 back and forth there is going to be a request to have  
2 the Board order the computer program to be produced or  
3 available to parties, et cetera.

4 MR. ARMSTRONG: Well, I do think that is  
5 something that the Board would wish to consider, yes,  
6 having that.

7 THE CHAIRMAN: The concern of the Board I  
8 suppose is to ascertain of what real use that program  
9 will be in the course of things, and I guess that  
10 depends, to a certain extent, Mr. Freidin, as to what  
11 use the ESSA Report or the ESSA work will be relied  
12 upon in terms of the monitoring program that's  
13 ultimately put before the Board, I suppose, in Panel  
14 16.

15 If it is going to be relied upon in a  
16 material way, then perhaps the components that went  
17 into that work, including the computer program, become  
18 more relevant.

19 MR. FREIDIN: As I understand it, Mr.  
20 Straight, and correct me if I am wrong, the monitoring  
21 program does in fact rely on the model which appears in  
22 Exhibit 381 and that model does play an important role  
23 in terms of the design of the effectiveness monitoring  
24 program.

25 The quantitative model, in fact, played

1 the role that Dr. McNamee indicated that it played and  
2 it is not relied upon in terms of designing the  
3 effectiveness monitoring program which will be  
4 described in Panel 16.

5 MR. STRAIGHT: That is correct, Mr.  
6 Freidin.

7 THE CHAIRMAN: So then I guess it remains  
8 for the parties who would want production of that  
9 model, realizing that it will involve a certain  
10 expense, both not just copying the tape and that kind  
11 of thing, but even running the model, you need the  
12 facilities in order to run it which, I take it, are  
13 probably only available at universities and large firms  
14 and maybe some large government ministries, I don't  
15 know.

16 But of what value is the quantitative  
17 model which is not being used for the purposes of the  
18 Ministry's effects monitoring program which will be  
19 further described and outlined in Panel 16? What value  
20 is it and what value will it be to the Board in its  
21 decision on this application?

22 MR. ARMSTRONG: I can indicate that my  
23 first consideration was to review and acquaint the  
24 existence of it.

25 Now, it is not our intention to endeavor

1 to put it in as an exhibit or to -- I don't quite know  
2 how you would do it even. So it is there, it is there  
3 for the Board's consideration, the fact that it exists.  
4 And I think that's about what I was trying to say.

5 THE CHAIRMAN: Well, I think what the  
6 Board is concerned about in this case - and you can  
7 appreciate it, Mr. Armstrong - is that we have a great  
8 deal of evidence to consider and we are not all that  
9 far along in this case as as whole, even at this point,  
10 some four hundred exhibits have been put in.

11 We do not want particularly to have a lot  
12 of material, particularly complex material to have to  
13 consider in terms of evidence if it is not going to  
14 play much of a role in assisting us in our decision.  
15 And we would be adverse to having that type of evidence  
16 admitted, unless the parties can show some degree of  
17 relevancy.

18 And I guess what we are talking about  
19 here really is the relevancy of that kind of evidence  
20 to the deliberations that we will have to undergo in  
21 connection with this application. And the Board is  
22 willing to hear argument on that from the parties, but  
23 to this point in time, it doesn't appear to be the type  
24 of evidence that we should be concerning ourselves  
25 with.



1 MR. ARMSTRONG: Very good.

2 THE CHAIRMAN: Any other parties have any  
3 other views to express on that point?

4 MS. SEABORN: I think I would probably  
5 have to put the question to our expert in the area as  
6 to whether or not it would be of any value at this  
7 point. I don't think I can give you a definitive  
8 response. We certainly hadn't considered at this point  
9 asking for that sort of production.

10 THE CHAIRMAN: Okay. Subject to any  
11 further argument on that point at some future time, I  
12 think we might as well move on and the Board will not  
13 order production of that information at this time.

14 MR. ARMSTRONG: Q. Just one question  
15 before I leave that area completely. Doctor, has the  
16 Ministry of Natural Resources requested or contracted  
17 with you to preparing instruction manuals on the  
18 operation.

19 DR. McNAMEE: A. None whatsoever.

20 Q. Now, I assume you fully endorse the  
21 conclusions and recommendations in your report?

22 A. In Section 6 I believe -- or 4,  
23 excuse me, from pages 211 onwards I do.

24 Q. And it is 211 that is the evaluation  
25 of the adequacy of resource protection guidelines based

1 on the best current understanding of the timber  
2 management effects on moose, fish and tourism  
3 resources. That is what we are talking about?

4 A. If you are referring to Section  
5 4.1.1.

6 Q. Yes.

7 A. Yes.

8 Q. Now, as I have gone over that area,  
9 it doesn't appear to contain a clear conclusion as to  
10 the adequacy of the guidelines.

11 THE CHAIRMAN: Well, Mr. Armstrong, with  
12 respect, I think we have heard a couple of times that  
13 the conclusions with respect to the adequacy of the  
14 guidelines were...

15 DR. McNAMEE: Uncertain.

16 THE CHAIRMAN: The parties were uncertain  
17 with respect to the three guidelines looked at.

18 MR. ARMSTRONG: Q. Well, following your  
19 evaluation you then propose a monitoring design  
20 strategy?

21 DR. McNAMEE: A. A general one, yes.

22 Q. All right.

23 A. That was written to simply give the  
24 MNR our sort of first estimate, sort of very first  
25 attempt as to how you might do an effects monitoring

1 program.

2 Q. All right. Just let me back up just  
3 very quickly. I know we have covered this business  
4 of -- you have told us two or three times that the  
5 evaluation was uncertain. Did you put that in your  
6 report somewhere?

7 A. Yes. On pages 212 to 214. Under a  
8 section there, those entries refer to the best -- to  
9 what the individual sub-groups felt the adequacy of the  
10 timber management guidelines were in being able to deal  
11 with those effects and as you go down you see  
12 exclusively the word uncertain all the way down.

13 Q. I see that. Thank you. Now, you  
14 said your purpose was then to do a general monitoring  
15 design strategy?

16 A. That's right, okay. If you also look  
17 at Table 6 you will see on the far right-hand side sort  
18 of the general type of work that the sub-groups felt  
19 needed to be done to look at each of those, okay, one  
20 by one.

21 And then in Section 4.2 we took all of  
22 those and said: Okay, here's a way that MNR might want  
23 to think about putting an effects monitoring program in  
24 place that would address and do all of these individual  
25 elements contained on the extreme right of pages 212 to

1 214.

2 Q. And I take it you endorsed these  
3 strategies?

4 A. By and large, yes.

5 Q. Now, if we look at it in three  
6 components; monitoring design for fisheries for  
7 wildlife and for tourism, did you or have you projected  
8 a total cost for the preferred methods of doing that  
9 monitoring?

10 A. I believe that will be discussed in  
11 Panel 16.

12 Q. Are you saying you don't have that  
13 information or...?

14 A. Not here, but I believe it will be  
15 available in Panel 16.

16 MR. STRAIGHT: A. Just for the record,  
17 Mr. Chairman, yes, the Ministry has addressed the costs  
18 of various alternatives of monitoring effectiveness of  
19 the guidelines. And, as Dr. McNamee says, those costs  
20 are referenced in Panel 16.

21 Q. I would suggest to you \$22.1-million.

22 DR. McNAMEE: A. Maybe, I am not sure.

23 Q. Will you be a panel member on Panel  
24 16?

25 A. I believe so.



1 MR. ARMSTRONG: If I may just have a  
2 second.

3 Q. Now, I get from what you are saying  
4 and from your most recent answers you are suggesting  
5 that you have proposed and you will endorse a  
6 monitoring program without any knowledge of the cost  
7 implications?

8 A. I believe that from being involved in  
9 this effort for about half a year and having some  
10 sense, not exact or perfect understanding in terms of  
11 how uncertain the impacts are and things of that sort,  
12 that if one simply looks at how uncertain that group  
13 was in being able to predict the effects of timber  
14 management actions and how -- also how well the timber  
15 management guidelines that are in place are able to  
16 deal with those effects, simply looking at it from that  
17 point of view, it is my opinion that it is fairly  
18 important that an effects monitoring program of the  
19 sort that is talked about in this March, '88 Report be  
20 implemented.

21 Q. Regardless the cost?

22 A. I said, if you look at the -- how  
23 uncertain that group was about (a) what the effects  
24 might be and (b) how well the timber management  
25 guidelines -- if you look at it from strictly that

1 point of view, I say that it is extremely important  
2 that an effects monitoring program be done.

3 Q. Now, I am going to show to you what I  
4 believe is at least an initial cost estimate of the  
5 detailed monitoring program that you have recommended.

6 A. Absolutely not, sir. That is not --  
7 again, that will be talked about in Panel 16 and I  
8 believe that report itself is part of the witness  
9 statement for Panel 16. I am not sure.

10 MR. STRAIGHT: A. I don't know. I don't  
11 know what report he is referring to.

12 Q. Clearly the Doctor is because I  
13 haven't even come close to him with it. You are  
14 familiar with it, obviously? (handed)

15 DR. McNAMEE: A. I believe that that is  
16 a part of the witness statement for Panel 16.

17 MR. FREIDIN: Can you confirm that, Mr.  
18 Straight?

19 MR. STRAIGHT: I am reasonably certain  
20 from the title that this is one of the references in  
21 Panel 16, subject to confirming the actual -- whether  
22 this is a draft or a final one, but it appears like it  
23 is a final one and there certainly is a reference to  
24 this material in Panel 16.

25 MR. FREIDIN: I am advised that it is

1       there and this is a matter which is going to be dealt  
2       with in Panel 16. And one of the things we were hoping  
3       to do by having Dr. McNamee reappear in 16, as you  
4       recall after the scoping session in Toronto, was to  
5       avoid getting into that monitoring aspect...

6                       THE CHAIRMAN: Okay. Well, Mr.  
7       Armstrong, we have received assurances from the  
8       proponent that it will be produced and is produced as  
9       part of the witness statement of Panel 16, Dr. McNamee  
10      will be a member of that panel and, therefore, it would  
11      seem that any questions you might want to put to him  
12      regarding this report or the cost issue itself should  
13      probably better await that panel.

14                    MR. ARMSTRONG: Could I have enough  
15      leeway, if necessary, to ask questions as to how that  
16      report might bear on the methodology of the workshops?

17                    THE CHAIRMAN: Well, sure you could ask  
18      that question. I don't know if that will be a lengthy  
19      answer or not.

20                    DR. McNAMEE: Once more?

21                    MR. ARMSTRONG: Q. How the issues dealt  
22      with in that report had a bearing on your methodology  
23      in the workshops?

24                    DR. McNAMEE: A. It is the other way  
25      around, I believe.

1 Q. Okay.

2 A. But..

3 Q. Could you explain the other way  
4 around then?

5 MR. FREIDIN: Just so we know perhaps  
6 what he is talking about, could you perhaps read the  
7 title or advise what report we are talking about?

8 DR. McNAMEE: Effects Monitoring  
9 Strategies for Timber Management Guidelines in Ontario,  
10 Final Report of Moose, Fish and Tourism Technical  
11 Meetings.

12 MR. ARMSTRONG: Q. And if I could add  
13 authors: yourself, Warren A Greg and Michael L. Jones.

14 DR. McNAMEE: A. Yes.

15 Q. Now, you were about to correct me by  
16 getting me turned around in the right direction in  
17 answering that question.

18 A. Okay. Well, why don't you ask it  
19 again, please.

20 Q. The impact or effect of this report  
21 on your workshop methodologies or vice versa?

22 A. Well, we took the...

23 Q. I am sorry, sir.

24 A. That is fine.

25 MR. FREIDIN: Mr. Chairman, I just



1 caught, completely from observation, that if in fact  
2 that report is as a result of the workshop, then we are  
3 into monitoring. It has to be the other way around to  
4 be relevant, based on your ruling.

5 THE CHAIRMAN: Well, do we take it to  
6 understand, Dr. McNamee, that the report resulted from  
7 what occurred at the workshop--

8 DR. McNAMEE: Yes.

9 THE CHAIRMAN: --as opposed to the other  
10 way around, that the workshops resulted from this  
11 report?

12 DR. McNAMEE: Yes.

13 MR. ARMSTRONG: Q. Well, if you had  
14 known that the implementing costs were so high as to be  
15 completely impracticable and hopeless, would that have  
16 affected how you were dealing with things at the  
17 workshops?

18 DR. McNAMEE: A. No.

19 Q. Doctor, you were asked about your  
20 ability as an experienced biologist you had little  
21 practical experience. What experience have you had as  
22 a government administrator dealing with budgets?

23 A. Zero, none whatsoever.

24 Q. Does much of your experience,  
25 training and work relate to research and

1 conceptualizing research programs?

2 A. In part, yes.

3 MR. ARMSTRONG: Just a moment.

4 Q. Now, I just want to set up where I am  
5 headed next. You have told me that this quantified  
6 model needs a lot more work and a lot more work in both  
7 data gathering and the modelling itself.

8 A. Let me give you one example of a  
9 model of that sort. We were not involved in the  
10 building of that particular model itself, but we have  
11 worked over the last few years with the staff who were  
12 involved in building that model and it was a model of  
13 stand yield which was to be used as a management tool  
14 for one resource value only--

15 Q. Okay.

16 A. --wood, and it was to be applied to  
17 the part of the northwestern U.S. that includes eastern  
18 Washington, Oregon, and Idaho as well.

19 It took approximately 20 man years worth  
20 of work to get that model for, as I say, a single  
21 resource value from start to end to get that model into  
22 a form that (a) did contain the best understanding as  
23 to how stands grow in that area and so on, and to get  
24 it to a state where the people who were going to use it  
25 felt that it was a tool that they could in fact use.

1 Q. I take it it was breaking new ground  
2 at the time?

3 A. Yes.

4 Q. Isn't it true that prototypes always  
5 take more time and money?

6 A. Sorry?

7 Q. Isn't it true that prototypes of new  
8 designs of whatever always take a lot of time and  
9 money?

10 A. That may be so. I would say that if  
11 there was any interest in taking the model we had built  
12 and making it into a tool of that sort, it would take  
13 approximately the same amount of time. One should  
14 never underestimate the amount of time it takes.

15 Q. All right. Now, I want to talk again  
16 about your monitoring design strategy and I think  
17 implicit in that there is a concept, a threshold of  
18 understanding; you need a certain amount of information  
19 before you can decide how to deal with the monitoring  
20 or what to do, and that is what you were doing, was  
21 collecting that?

22 A. I am not sure what you mean, sir.

23 Q. Well, before you can predict and deal  
24 with your effects monitoring, you have to deal with  
25 that from the basis of collected information?

1                   A. That is a place -- that is one of the  
2 places from which one starts, yes.

3                   Q. And each of your hypotheses of  
4 effects is supported by extensive scientific reference?

5                   A. By some, yes.

6                   Q. For example, there are a total of  
7 about 80 scientific references on pages 57 to 63 of  
8 your report relating to the effects hypotheses  
9 involving fish, sedimentation and temperature.

10                  A. Those I would suspect are the sources  
11 of data and understanding that the sub-group dealing  
12 with that hypothesis of effect felt were the most  
13 important ones. And I would also say that there  
14 probably are others as well, but I cannot say for sure  
15 that that is indeed true.

16                  Q. All right. I have some trouble then  
17 in your comments about these workshops because you have  
18 left me with the understanding that you are trying to  
19 always deal with the best available.

20                  A. As best as you can, that's right.

21                  Q. Now, in spite of this compilation of  
22 scientific references that I have talked about, you  
23 still conclude that we don't know enough to predict the  
24 results of these interactions and there is too much  
25 uncertainty?



1                   A. I said that the group there that was  
2 involved in the workshop believed that to be the case.

3                   Q. All right. There certainly isn't any  
4 doubt that it is your own opinion, and not brought to  
5 bear by anybody else, that this modelling tool isn't  
6 going to work for predicting effects?

7                   A. The modelling tool, as it now exists  
8 in my opinion, could not be used to quantify -- as a  
9 quantitative management tool to predict effects.

10                  Q. All right.

11                  A. Okay. It is important to keep that  
12 in mind, I think.

13                  Q. And over what period of time are you  
14 suggesting that these effects monitoring should  
15 continue?

16                  A. I believe that for some of the  
17 effects it will be important to look at -- to monitor  
18 for the effects for up to 8 to 10 years in order to be  
19 able to detect either the effects of the timber  
20 management actions or of the guidelines.

21                  Q. All right. Some of them 8 to 10  
22 years; others longer?

23                  A. Others may be longer.

24                  Q. Page 220 of your report 4.2.2, bottom  
25 of the second paragraph.

1 A. Yes.

2 Q. You are suggesting there that 20  
3 to...

4 A. 20 to 25 years.

5 Q. 20 to 25 years.

6 A. Yes, that is if you want to -- let me  
7 try and -- that was one option. We also talked  
8 about -- also down at the bottom of the next paragraph  
9 talk about one of the other options where we believe  
10 that this -- that the option described in the last  
11 paragraph on that page wouldn't take -- wouldn't need  
12 to take that long.

13 Q. Now, I appreciate you have indicated  
14 that there is going to be costing information at a  
15 later panel, but if I could deal with it this way:  
16 This monitoring on an annual basis could be described  
17 as significantly expensive?

18 A. It is not cheap.

19 Q. Right. And do the taxpayers have any  
20 guarantee that after 20 or 25 years of not cheap--

21 A. I believe, sorry.

22 Q. --after 20 or 25 years of not cheap  
23 expenditures every year that there will be adequate  
24 information to assess the effectiveness of the  
25 guidelines?

1                   A. I believe we talked about Option 2  
2 down there, so it is not 20 to 25 years.

3                   Q. All right. 10 years?

4                   A. And you are asking me, again...?

5                   Q. Any guarantees that at the end of all  
6 that expenditure of funds there is going to be adequate  
7 information to assess the effectiveness of the  
8 guidelines?

9                   A. I believe that is a matter better  
10 left to Panel 16 where the actual details of the  
11 effects monitoring program are going to be described.

12                  Q. Well, sir, you did recommend it and  
13 you endorsed the recommendations and your  
14 recommendation involves spending a lot of money over  
15 long periods of time; right? Isn't that right?

16                  A. Yes.

17                  MR. FREIDIN: Mr. Chairman, Dr. McNamee's  
18 earlier evidence that he is not intimately familiar  
19 with the effects monitoring program and, in fact, that  
20 he might actually propose in Panel 16. I think that  
21 was the evidence.

22                  If I recall the evidence correctly, I  
23 think it is probably a matter, as Dr. McNamee  
24 suggested, best left to Panel 16 where in fact the  
25 question could be asked in the context of the effects

1 monitoring program that is being suggested.

2 THE CHAIRMAN: These are recommendations,  
3 Mr. Armstrong, they may not in fact be adopted  
4 completely in that form by what is being proposed or  
5 what will be proposed in Panel 16.

6 So without precluding the question, would  
7 it not be better to put the question as to what  
8 guarantees may or may not be there after the program  
9 that this Board is being asked to approve in terms of  
10 monitoring is put before us?

11 MR. ARMSTRONG: Well, I appreciate that  
12 there is a need to deal with this in bite-sized pieces  
13 and in an organized fashion, however, the difficulty  
14 with any intervenor is that they don't have -- they  
15 don't structure the evidence-in-chief and the role is  
16 to cross-examine on witnesses that we have available on  
17 areas that are supposed to be part of the  
18 investigation.

19 Now, this report calls itself Effects  
20 Monitoring and then we have another panel down the road  
21 that is going to be effects monitoring, and so there  
22 runs the risk that, by structuring the aspect in that  
23 way, of an intervenor being simply precluded from  
24 cross-examination under this effects monitoring, saying  
25 effects monitoring later.



1                   THE CHAIRMAN: No, but this deals with  
2                   some of the methodologies dealing with effects  
3                   monitoring. The Ministry is going to be putting  
4                   forward a specific monitoring program upon which it is  
5                   asking this Board to approve as part of the  
6                   application.

7                   As far as the value of finding out  
8                   whether or not that program is adequate and will do  
9                   what it is meant to do, i.e., predict how effects may  
10                  be dealt with, does it not make sense that we have to  
11                  have that program in front of us? We don't have the  
12                  actual program that the Ministry is proposing before  
13                  this Board at this point.

14                  As the Board understands the value of  
15                  this, this was an approach, a methodological approach  
16                  in terms of how one might be designed and the result of  
17                  those suggestions or recommendations are going to be  
18                  put before the Board in terms of Panel 16 in terms of a  
19                  specific program.

20                  So, as a consequence, I mean, you can ask  
21                  the question: What guarantee is there that these  
22                  recommendations are going to allow somebody to  
23                  accurately predict something--

24                  MR. ARMSTRONG: That is the very question.

25                  THE CHAIRMAN: Okay. --after ten years,

1 and I suppose the witness can answer that. But I would  
2 suggest that the program that is before the Board won't  
3 necessarily be what the recommendations are; they may  
4 or they may not, we don't know. That is all I am  
5 saying. So.

6 The value of that question and the answer  
7 to that question has to be qualified in terms of what  
8 Panel 16 will ultimately tell us.

9 MR. ARMSON: Well, I agree with that, but  
10 I would offer the suggestion that if the answer that  
11 you get is that there are no guarantees, that the Board  
12 itself may well want to be guided with a view to  
13 looking for changes from these recommendations at Panel  
14 16. You may want to say: Well, better keep an eye out  
15 for that because...

16 THE CHAIRMAN: Okay. Put your question  
17 and, witness, if you can answer that question, answer  
18 it, please.

19 MR. ARMSTRONG: Q. My question was:  
20 After all of this time and money, do you have any  
21 guarantee that it will be fully adequate information to  
22 assess the effectiveness?

23 DR. McNAMEE: A. I have not seen the  
24 actual effects monitoring program which is being  
25 proposed by MNR.

1 Q. No, but what you recommended. Any  
2 guarantees on what you've recommended?

3 A. There is a lot more to looking to  
4 designing an effects monitoring program than what is  
5 just on this page.

6 Q. So just --

7 A. One has to think very hard about  
8 where the monitoring program will be done, is it going  
9 to be done in -- there is just a lot more that needs to  
10 be described in terms of an effects monitoring program  
11 other than what is on here.

12 This paragraph or this page -- or Section  
13 4.2.2 was intended to give MNR some ideas as to how a  
14 more detailed effects monitoring program might be done.

15 Q. All right. I just want to be clear  
16 about what I am dealing with here. Is it that you  
17 can't answer the question?

18 A. I am saying that simply what is  
19 contained in Section 4.2.2 does not allow me to -- by  
20 itself, does not provide me with enough. That was  
21 merely included in -- okay, as I have said, to indicate  
22 to MNR some of the possible avenues by which an effects  
23 monitoring program might be built.

24 Q. Well, it strikes me that my question  
25 as to: Can you give guarantees admits to a yes or no

1 answer, and I haven't heard that. And I want to be  
2 fair with you, and if you can't answer the question -  
3 and the answer hasn't been provided obviously in that  
4 format - is it because you simply can't answer the  
5 question?

6 A. I am saying I can't answer the  
7 question based on what is included in 4.2.2 all by  
8 itself.

9 THE CHAIRMAN: Well, let's ask one other  
10 question. Can you, cost aside, ever develop a program,  
11 an effects monitoring program that will guarantee--

12 DR. McNAMEE: No.

13 THE CHAIRMAN: --that effects can be  
14 accurately predicted, period?

15 DR. McNAMEE: No.

16 THE CHAIRMAN: It is not scientifically  
17 possible.

18 DR. McNAMEE: Absolutely.

19 THE CHAIRMAN: Is that what you are  
20 saying?

21 DR. McNAMEE: That's right.

22 MR. ARMSTRONG: That didn't hurt; did it?

23 THE CHAIRMAN: I think that confirms the  
24 Board's view that death and taxes still are the only  
25 things--



1 DR. McNAMEE: Certainties in life.

2 THE CHAIRMAN: --we can really guarantee  
3 for sure.

4 MR. ARMSTRONG: Q. Doctor, you will have  
5 knowledge of the acid rain issue?

6 DR. McNAMEE: A. Minor.

7 Q. In terms of a layperson's knowledge  
8 of it or more?

9 A. Yes, not much more than that.

10 Q. And you are aware that over the last  
11 past ten years the official positions of Canada,  
12 including in particular Ontario and the United States,  
13 have been quite different on the appropriate course of  
14 action on this global environmental issue?

15 A. Yes.

16 Q. And Canada has said now is the time  
17 for action and the U.S. government, and in fact the  
18 former President Ronald Reagan has addressed the issue  
19 as well...

20 A. More research before action.

21 THE CHAIRMAN: That may change tomorrow,  
22 by the way.

23 MR. ARMSTRONG: Q. You agree with me  
24 that there is a strong analogy between the Ministry of  
25 Natural Resources and your positions on the need for

1 more information on the environmental effects of timber  
2 management and that of Ronald Reagan on the acid rain  
3 question; you would agree with that?

4 DR. McNAMEE: A. The need to do an  
5 effects monitoring program, I believe does not  
6 remove -- does not mean that one should not undertake  
7 timber management. The purpose of effects monitoring  
8 program, as I understand it, is to improve the way  
9 timber management is done using the analogue of acid  
10 rain -- the analogy of acid rain.

11 If one were to apply that same kind of  
12 argument to Ontario and the timber management, one  
13 would say: Let's not do any timber management at all  
14 until we conduct a program of research to better  
15 understand what the effects of timber management might  
16 be, okay. They are not the same thing.

17 THE CHAIRMAN: Mr. Armstrong, before we  
18 get the request, it is not the intention of the Board  
19 to call President Reagan either.

20 MR. ARMSTRONG: Very good. I am not sure  
21 what the force of subpoena on a past president is.

22 Q. Well, Doctor, what I am actually  
23 concerned with - and I don't mean to make light of it  
24 although it is nice to have a little levity from time  
25 to time - is that we might never know enough and that

1 concept of never being sure and never having enough  
2 information would for ever impede the progress toward  
3 resolving these complex issues?

4 DR. McNAMEE: A. We might never know  
5 enough...

6 Q. To be able to assess the guidelines,  
7 to evaluate the guidelines?

8 A. It is a matter of how -- it is simply  
9 a matter of not saying: Do the guidelines work or do  
10 they not work, but how sure are we that they work.

11 Q. And at some point we are going to get  
12 to how sure?

13 A. We have -- it is my understanding  
14 that evidence Panels 10 through 14 will give some --  
15 one point of view as to how sure we are.

16 Q. And you are back then?

17 A. Sorry?

18 Q. You are back here on one of those  
19 panels?

20 A. No, I am not, but that will present  
21 one view.

22 Q. In your witness statement you make  
23 reference to a paper by Dr. Baskerville; is that  
24 correct?

25 A. Yes.

1 Q. And that's page 363 and following?

2 A. Yes.

3 Q. Do you have that?

4 A. Yes, I do.

5 Q. Thank you. Now, would you agree with  
6 me that he is also refuting the Ronald Reagan-type  
7 argument and strongly advocating that we have  
8 sufficient information now to make these judgments?

9 A. I believe he is saying that we should  
10 use what we know now and not wait.

11 Q. Right. And I would like to direct  
12 you to the first column of page 366 and read to you --  
13 this will be near the beginning of the first full  
14 paragraph:

15 "There are two constraints to achieving  
16 forest level management: First, if there  
17 is no need to manage wood availability in  
18 a forest then it will not be possible to  
19 manage habitat..."

20 Okay, let me just try that again. It a little higher  
21 up right in the second line:

22 "This constitutes the explicit..."

23 MR. FREIDIN: Where are we?

24 MR. ARMSTRONG: First column.

25 DR. McNAMEE: Column four -- three,



1       sorry.

2                   MR. ARMSTRONG:   The first column.

3                   DR. McNAMEE:   Two.

4                   MR. ARMSTRONG:   Line 2.

5                   DR. McNAMEE:   Yes.

6                   MR. ARMSTRONG:   Q.   "This constitutes the  
7                   explicit linkage of stand tactics into a  
8                   forest strategy.  It is possible to  
9                   develop an explicit forecast or model of  
10                  a goal in terms of habitat patterns for  
11                  the forest system, a necessary first  
12                  step for adaptive management, and it is  
13                  possible to design the action set that  
14                  would lead to this goal."

15       Now, would you not agree that this suggests that it is  
16       possible to develop linkages between timber management  
17       activities and non-timber resource values?

18                  DR. McNAMEE:   A.  I would say, yes.  I  
19       can see where you are trying to go.  I think you are  
20       trying to sort of get me to comment on whether a  
21       management tool or management model of some sort needs  
22       to be built in which you explicitly link timber values  
23       to non-timber values of various sorts.

24                  Q.  And isn't that a fair direction for  
25       me ask you to go?

1           A. Absolutely. And if you were to ask  
2 me, I would say that that, in principle, is a  
3 worthwhile goal that should be worked towards for  
4 most -- for resource management issues, absolutely.

5           However, one should take, as I have tried  
6 to explain earlier, take great care in how that is done  
7 and how one works toward that goal.

8           Q. Fair enough. But it is a fundamental  
9 and important and valuable goal?

10          A. It allows a resource manager the  
11 opportunity to do things he or she would -- I think  
12 would not otherwise be able to do and it gets back to  
13 the issues of making quantitative predictions of how  
14 different resource values will change over time and  
15 space as a result of various management actions.

16          Q. Thank you.

17          A. But, again, one should not  
18 underestimate the amount of time it takes to build and  
19 to have a group or an agency or a body responsible for  
20 resource management to build and adopt a tool of that  
21 sort. It can't be done overnight.

22          Q. Now, you use the term consensus  
23 frequently in your document. I could cite examples,  
24 but if you would just agree with that I won't need to.

25          A. No, that's true.

1 Q. What do you mean by that term?

2 A. In the context of the effects  
3 monitoring program -- excuse me, project, it refers to  
4 agreement on a particular issue amongst a group of  
5 experts.

6 Q. And such as you were dealing with in  
7 your workshop?

8 A. Yes.

9 Q. All right. Well, is this total  
10 agreement?

11 A. Not necessarily.

12 Q. For instance, I don't see in your  
13 report like the concept of treating things in terms of  
14 a majority and a minority decision or something?

15 A. No. The only instance of where that  
16 is - again I am referring you to Table 6 - where a  
17 sub-group could not come to a complete agreement on a  
18 particular effect that was flagged, it was flagged that  
19 that effect was -- that there was uncertainty as to  
20 what the nature of that effect might be.

21 Q. And you say there was only the one  
22 time that a sub-group could not come to a complete  
23 agreement?

24 A. No, there were a number of times all  
25 the way through.

1 Q. All right. So if a sub-group comes  
2 to a complete agreement that, however, is by consensus  
3 as you have said, and within that "complete agreement"  
4 there could be disagreement?

5 A. Yes.

6 Q. So complete agreement is a bit of a  
7 gloss on things?

8 A. A bit of a gloss on things?

9 Q. Well, you have just agreed with me  
10 that complete agreement contains some disagreement?

11 A. May contain, that's right. For  
12 example, let's take the first line which is on page  
13 212, Table 6--

14 Q. All right. Just give me a second, if  
15 you would, please.

16 A. --of the March, '88 report.

17 Q. All right.

18 A. Sorry, sir, the March, '88 Report.

19 Q. Oh yes, all right. Okay.

20 A. Okay. The first row in that table  
21 represents what one sub-group -- the results of a  
22 sub-group that dealt with a particular hypothesis of  
23 effect.

24 And if you look under heading No. 6,  
25 whether or not the sub-group felt that there was a



1 significant effect of the specified timber management  
2 actions on the resource value of interest, you will see  
3 two words there, yes and uncertain.

4 That reflects the fact that the general  
5 agreement of the group was that yes, there would be an  
6 effect, but that there was some uncertainty in that  
7 group.

8 Q. All right. Now, we go a little bit  
9 further down we come to -- in the same column, we come  
10 to just a straight yes?

11 A. That's right.

12 Q. But that could include a descending  
13 view that didn't get documented?

14 A. No, no. Wherever the group felt  
15 that -- wherever various individuals in the group felt  
16 that either there would be no effect or, yes, there  
17 would be an effect, that was taken to mean that it was  
18 uncertain as to what the effects would be.

19 Wherever you see a yes or a no, that  
20 reflects the idea that the members of that group felt  
21 there would or would not be an effect.

22 Q. All right. Now, you had earlier been  
23 talking about your acquaintance with the work of Dr.  
24 Baskerville. I just want to go back to that a little  
25 bit.

1                   In a more recent presentation to the  
2                   Standing Committee on Environment and Forestry at the  
3                   House of Commons, he expresses his view even more  
4                   strongly and supports it with specific examples. Have  
5                   you seen this paper?

6                   A. I believe I have.

7                   MR. ARMSTRONG: I would like to enter  
8                   that as an exhibit.

9                   THE CHAIRMAN: Exhibit 405.

10                  ---EXHIBIT NO. 405: Paper presented by Dr. Baskerville  
11   to the Standing Committee on the  
12   Environment and Forestry at the  
   House of Commons.

13                  THE CHAIRMAN: Mr. Armstrong, can you  
14                   advise us whereabouts you are in your cross-examination  
15                   at this point?

16                  MR. ARMSTRONG: I want to give the best  
17                   estimate I can and, if that takes a minute, I beg your  
18                   indulgence.

19                  I suspect three or four hours with this  
20                   witness, I think. It is my hope, dissolved into the  
21                   reality, and you know, if this represents something  
22                   like a half a day to now when I projected, that reality  
23                   might well be a day and a half to the complete end of  
24                   things, you know, a day in addition to what I have just  
25                   now accomplished I think.

1                   THE CHAIRMAN: So you are going to finish  
2 off Monday? Obviously you won't finish today, but you  
3 are going to finish on Monday, assuming that we start  
4 at 1:00 p.m.?

5                   MR. ARMSTRONG: Well, I will answer your  
6 question this way: I presume the Ontario Federation of  
7 Anglers & Hunters' cross-examination will finish on  
8 Monday rather than speaking in terms of myself.

9                   THE CHAIRMAN: Well, hold on a second.  
10 We have got to get something more precise.

11                   You see, it becomes somewhat difficult,  
12 Mr. Armstrong, in terms of scheduling other panels,  
13 other witnesses, et cetera, and we have asked counsel  
14 from time to time to give us their estimates of how  
15 long they are going to be.

16                   MR. ARMSTRONG: I wasn't taking issue  
17 with the day as being left, I was taking issue to the  
18 suggestion that it is me that's going to be finishing  
19 it.

20                   THE CHAIRMAN: Well, I am talking of your  
21 client.

22                   MR. ARMSTRONG: Yes.

23                   THE CHAIRMAN: And you are only acting on  
24 behalf of your client, so that when your client is done  
25 you are done; is that correct?

1                   MR. ARMSTRONG: And I may even be done  
2 before that.

3                   THE CHAIRMAN: I see. Now, is Mr.  
4 Williams intending to come back on Monday; do you know,  
5 Mr. Hanna?

6                   MR. HANNA: I am sorry, I can't answer  
7 that, sir.

8                   THE CHAIRMAN: You can't answer that.  
9 Because I think in the event that Mr. Williams is going  
10 to resume the cross-examination of this witness, you  
11 might inform him that we are not going to recover  
12 anything that was dealt with in the cross-examination  
13 by Mr. Armstrong.

14                   And the reason we are taking this  
15 position, to some extent, is the fact that when Mr.  
16 Williams initially indicated how long his client would  
17 be, we were talking about one day, the better part of  
18 one day.

19                   Now, that has expanded - and it is your  
20 right to cross-examine - to more days than one day and  
21 we have scheduled ahead other parties and Ms. Seaborn,  
22 who was going to be completed possibly last week, is  
23 not completed this week and we only have three days  
24 next week.

25                   And, of course, there is Mr. Armson on



1 Panel 9 who was supposedly going to commence his  
2 testimony in direct yesterday and, of course, Mr.  
3 Freidin has to re-examine yet after the Ministry  
4 completes their case.

5 So we want some fairly firm estimates and  
6 we feel that counsel should be in a position to give us  
7 those types of estimates within some reasonable  
8 latitude. And when we are talking reasonable latitude,  
9 we are talking one or two hours, not one or two or  
10 three days.

11 MR. ARMSTRONG: Your request is one that  
12 is reasonable in every tribunal or court that I have  
13 ever been involved with and I agree.

14 THE CHAIRMAN: Okay. And the reason I am  
15 asking at this point, Mr. Armstrong, is because we  
16 aren't going to finish today and it will have a bearing  
17 on when we rise for today's session as well.

18 MS. SEABORN: Mr. Chairman, we have four  
19 days next week; do we not?

20 THE CHAIRMAN: Oh, I am sorry, that's one  
21 of the ones that we are sitting on the Friday.

22 MS. SEABORN: No, I think Monday to  
23 Thursday.

24 THE CHAIRMAN: That's right. I am sorry,  
25 that's correct. It isn't one that we are sitting on

1 the Friday though, it is not one of those days?

2 MS. SEABORN: No, Mr. Chairman.

3 THE CHAIRMAN: We might also suggest, Mr.  
4 Hanna and Mr. Armstrong, that it is the Board's view  
5 that it would be preferable, in our opinion, if you  
6 completed the cross-examination rather than injecting  
7 Mr. Williams back into it because he has missed the  
8 gist of your cross-examination and it gets difficult  
9 because we have to allow the latitude of one counsel  
10 repeating, to some extent, because they weren't aware  
11 of what has already been covered.

12 MR. ARMSTRONG: I realize you are only  
13 the new boy on the block once.

14 THE CHAIRMAN: It would certainly be  
15 preferable, I think to the Board and for the continuity  
16 of this cross-examination, now that you have embarked  
17 on entering into it that you complete it, but we cannot  
18 control that and we are not insisting that that has to  
19 be so.

20 But it would just make sense to the Board  
21 in terms of a continuous examination and it would be in  
22 everyone's interest to proceed in that fashion.

23 MR. ARMSTRONG: And in terms of  
24 projecting the time - I don't mean to be critical of  
25 the witnesses - we are dealing with complex issues and

1 sometimes they take long answers, but it was only at  
2 your own assistance with a question that we finally  
3 came to a yes or no answer that had taken ten or twelve  
4 minutes. I can't really govern that aspect of it.

5 THE CHAIRMAN: Well, we will certainly  
6 instruct the panel where they can and where they can  
7 give an answer to restrict it to as brief an answer as  
8 possible.

9 Having said that, we expect you to give  
10 answers that, in your opinion, are complete enough to  
11 properly address the question.

12 DR. McNAMEE: Thank you.

13 MR. ARMSTRONG: If you could allow us one  
14 full day.

15 THE CHAIRMAN: Meaning next Monday for  
16 the afternoon? We don't start Monday until 1:00 p.m.  
17 because most of us have to journey up from Toronto and  
18 the plane doesn't get in until mid-morning.

19 MR. ARMSTRONG: Right.

20 THE CHAIRMAN: But we would be willing to  
21 sit to a reasonable hour, which is before ten o'clock.

22 MR. FREIDIN: Whoa, whoa, whoa.

23 MR. ARMSTRONG: You are being very fair.  
24 And so what we are talking about is a long half day,  
25 for instance, on Monday.

1 THE CHAIRMAN: (nodding affirmatively)

2 MR. ARMSON: I think we could manage.

3 THE CHAIRMAN: And are you ready to  
4 proceed on Tuesday, Ms. Seaborn?

5 MS. SEABORN: I will be here, Mr.  
6 Chairman.

7 MR. MARTEL: With bells on.

8 THE CHAIRMAN: And your estimate I  
9 believe was two or three hours?

10 MS. SEABORN: Yes, I think that we are  
11 constantly revising our cross-examination as other  
12 parties proceed, of course, but I think that is fair.

13 THE CHAIRMAN: And your re-examination at  
14 this point, Mr. Freidin?

15 MR. FREIDIN: My re-examination changes  
16 with every question that is asked and it looks like we  
17 are going to get into one of those situations that I  
18 was trying to avoid, and that was having a perhaps  
19 short period of time to deal with the effects of  
20 cross-examination of the Ministry of the Environment.

21 But I think I would probably be able to  
22 re-examine on Tuesday based on the time that Ms.  
23 Seaborn indicated and, subject to me advising you, I  
24 need a little bit of time after she finishes her  
25 cross-examination to complete my preparation.



1 THE CHAIRMAN: All right. Well, we have  
2 got a full day Tuesday and, therefore, we can more or  
3 less count on starting Panel 9 on Wednesday. Is that a  
4 problem with any of your witnesses?

5 MR. FREIDIN: I don't believe so. The  
6 answer is no.

7 THE CHAIRMAN: Okay.

8 Okay, Mr. Armstrong. We are -- I suppose  
9 it is now a quarter to one. Why don't -- are you going  
10 to be long with this one document?

11 MR. ARMSTRONG: Now, that I have alerted  
12 the witness to that document, perhaps the effective way  
13 to deal with it is if he could be sure that between now  
14 and then he has a chance to brush up on it and that  
15 will speed it up because I may get into the question  
16 and then he will need that time.

17 THE CHAIRMAN: Okay. So I think it might  
18 be in order if we adjourned for the day.

19 Over the weekend, witness--

20 DR. McNAMEE: Yes.

21 THE CHAIRMAN: --familiarize yourself  
22 with the document so we can start Monday at 1:00 sharp  
23 and proceed until the conclusion of your  
24 cross-examination.

25 MR. ARMSTRONG: Thank you, sir.

1 THE CHAIRMAN: Very good. We are  
2 adjourned until Monday at one.

3 Thank you.

4 ---Whereupon the hearing adjourned at 12:45 p.m., to be  
5 reconvened on Monday, February 13th, 1989,  
6 commencing at 1:00 p.m.

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